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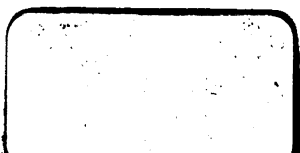
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SPEECHES

BY THE

RIGHT HONOURABLE

SIR ROBERT PEEL, BART.



DURING HIS ADMINISTRATION,

1834—1835.

ALSO

HIS ADDRESS

TO THE

ELECTORS OF THE BOROUGH OF TAMWORTH,

&c. &c.

Second Edition.

LONDON :

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1835.

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LONDON:

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TO

THE RIGHT HONOURABLE

SIR ROBERT PEEL, BARONET,

Esq. Esq. Esq.

This Volume,

CONTAINING

THE SPEECHES DELIVERED BY HIM

DURING

HIS LATE SHORT BUT IMPORTANT ADMINISTRATION,

IS

MOST RESPECTFULLY INSCRIBED,

BY

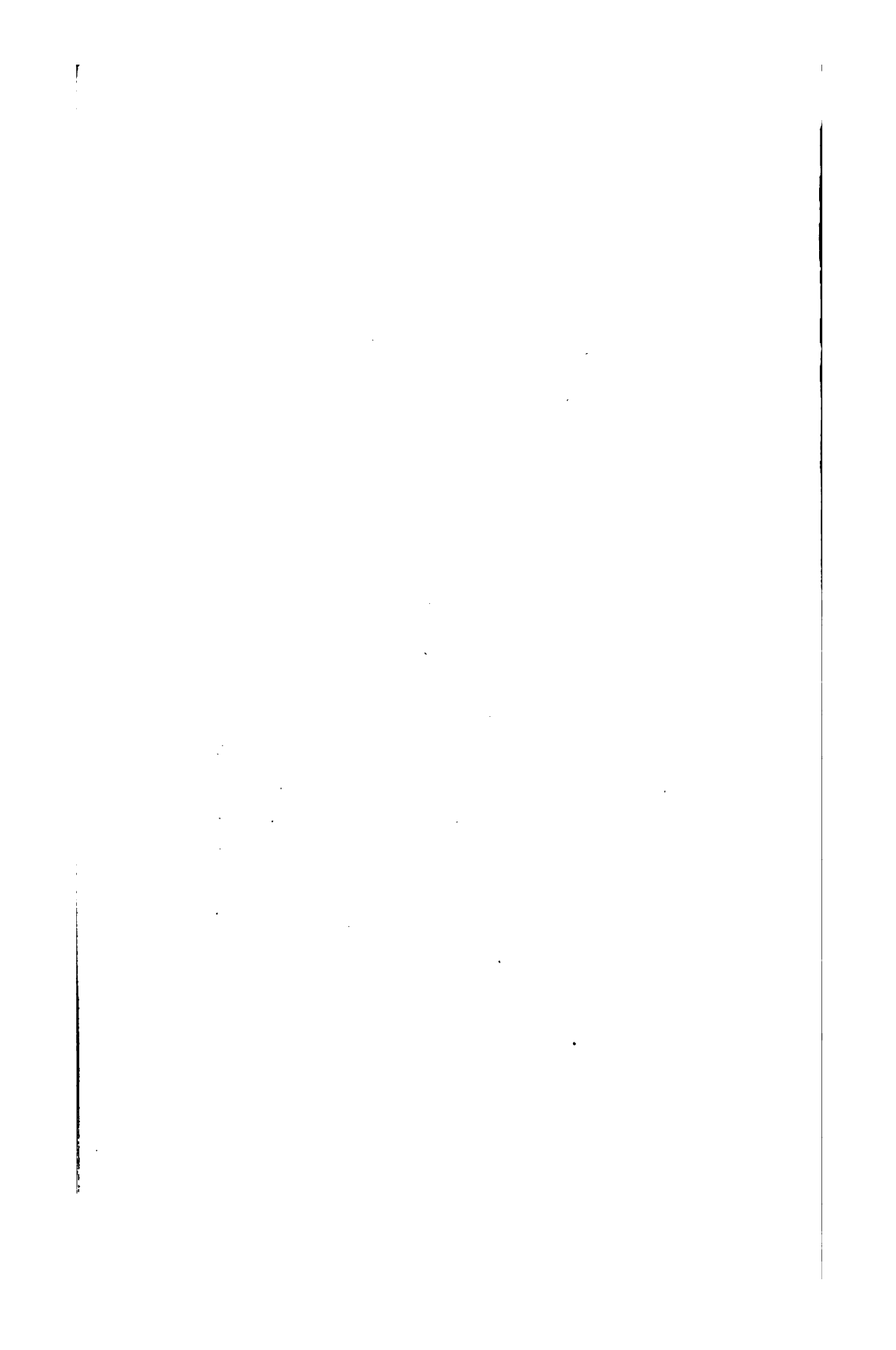
HIS MOST OBLIGED SERVANTS,

THE PUBLISHERS.

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THE extensive demand for the Speeches delivered in Parliament by Sir Robert Peel, during the time that he held the highest office of the Government, not only when printed separately, but also in a collective form, has encouraged the Publishers to prepare a second and complete edition of them, accompanied by such explanatory matter as may render them more intelligible to the Reader. When it is known that the Speeches contained in this volume have undergone careful revision, the Publishers cannot doubt that it will prove an acceptable and permanent record, not merely to the friends and supporters of this eminent statesman, but to all who take an interest in the important questions of domestic policy which were discussed during his administration, and which still continue to engage the attention of the British Legislature.

31, *Strand*,
August, 1835.



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S P E E C H E S

OF THE

RIGHT HONOURABLE

SIR ROBERT PEEL BART.

&c. &c.

ADDRESS TO THE ELECTORS OF THE BOROUGH OF TAMWORTH.

In December 1834, Sir Robert Peel, having accepted the offices of First Lord of the Treasury and Chancellor of the Exchequer, and of course vacated his seat in Parliament, circulated the following written Address among his Constituents, explanatory of his sentiments in regard to Reform, and of the course which he intended to pursue during his administration, relative to the most important of the questions which then engaged the public attention.

GENTLEMEN,

ON the 26th of November last, being then at Rome, I received from his Majesty a summons, wholly unforeseen and unexpected by me, to return to England without delay, for the purpose of assisting his Majesty in the formation of a new Government. I instantly obeyed the command for my return, and, on my arrival, I did not hesitate, after an anxious review of the position of public affairs, to place at the disposal of my Sovereign any services which I might be thought capable of rendering.

My acceptance of the first office in the Government terminates for the present my political connexion with you. In seeking the renewal of it, whenever you shall be called upon to perform the duty of electing a representative in parliament, I feel it incumbent upon me to enter into a declaration of my views of public policy—as full and unreserved as I can make it, consistently with my duty as a minister of the Crown.

You are entitled to this from the nature of the trust which I again solicit, from the long habits of friendly intercourse in which we have lived, and from your tried adherence to me in times of difficulty, when the demonstration of unabated confidence was of peculiar value. I gladly avail myself also of this, a legitimate opportunity, of making a more public appeal—of addressing, through you, to that great and intelligent class of society, of which you are a portion, and a fair and unexceptionable representative—to that class which is much less interested in the contentions of party than in the maintenance of order, and the cause of good government—that frank exposition of general principles and views, which appears to be anxiously expected, and which it ought not to be the inclination, and cannot be the interest, of a Minister of this country to withhold.

Gentlemen, the arduous duties in which I am engaged have been imposed upon me through no act of mine. Whether they were an object of ambition coveted by me—whether I regard the power and distinction they confer as any sufficient compensation for the heavy sacrifices they involve—are matters of mere personal concern, on which I will not waste a word. The King, in a crisis of great difficulty, required my services. The question I had to decide was this:—Shall I obey the call? or shall I shrink from the responsibility, alleging as the reason that I consider

myself, in consequence of the Reform Bill, as labouring under a sort of moral disqualification, which must preclude me and all who think with me, both now and for ever, from entering into the official service of the Crown? Would it, I ask, be becoming in any public man to act upon such a principle? Was it fit that I should assume that either the object or the effect of the Reform Bill has been to preclude all hope of a successful appeal to the good sense and calm judgment of the people, and so to fetter the prerogative of the Crown that the King has no free choice among his subjects, but must select his Ministers from one section, and one section only, of public men?

I have taken another course; but I have not taken it without deep and anxious consideration as to the probability that my opinions are so far in unison with those of the constituent body of the United Kingdom, as to enable me and those with whom I am about to act, and whose sentiments are in entire concurrence with my own, to establish such a claim upon public confidence as shall enable us to conduct with vigour and success the government of this country.

I have the firmest conviction that that confidence cannot be secured by any other course than that of a frank and explicit declaration of principle; that vague and unmeaning professions of popular opinions may quiet distrust for a time, may influence this or that election, but that such professions must ultimately and signally fail, if, being made, they are not adhered to, or if they are inconsistent with the honour and character of those who make them.

Now, I say at once, that I will not accept power on the condition of declaring myself an apostate from the principles on which I have heretofore acted. At the same time, I never will admit that I have been, either before or after the Reform Bill, the defender of abuses, or the enemy of judi-

cious reforms. I appeal with confidence, in denial of the charge, to the active part which I took in the great question of the currency—in the consolidation and amendment of the criminal law—in the revisal of the whole system of Trial by Jury—to the opinions I have professed, and uniformly acted on with regard to other branches of the jurisprudence of the country. I appeal to this as a proof that I have not been disposed to acquiesce in acknowledged evils, either from the mere superstitious reverence for ancient usages, or from the dread of labour or responsibility in the application of a remedy.

But the Reform Bill, it is said, constitutes a new era, and it is the duty of a minister to declare explicitly—first, whether he will maintain the Bill itself—and, secondly, whether he will act upon the spirit in which it was conceived.

With respect to the Reform Bill itself, I will repeat now the declaration which I made when I entered the House of Commons as a Member of the Reformed Parliament, that I consider the Reform Bill a final and irrevocable settlement of a great constitutional question—a settlement which no friend to the peace and welfare of this country would attempt to disturb, either by direct or by insidious means.

Then as to the spirit of the Reform Bill, and the willingness to adopt and enforce it as a rule of government. If by adopting the spirit of the Reform Bill it be meant that we are to live in a perpetual vortex of agitation—that public men can only support themselves in public estimation by adopting every popular impression of the day; by promising the instant redress of anything which anybody may call an abuse; by abandoning altogether that great aid of government, more powerful than either law or reason, the respect for ancient rights, and the deference to prescriptive authority: if this be the spirit of the Reform Bill, I will not under-

take to adopt it. But if the spirit of the Reform Bill implies merely a careful review of institutions, civil and ecclesiastical, undertaken in a friendly temper, combining, with the firm maintenance of established rights the correction of proved abuses and the redress of real grievances, in that case I can, for myself and colleagues, undertake to act in such a spirit and with such intentions.

Such declarations of general principle are, I am aware, necessarily vague; but, in order to be more explicit, I will endeavour to apply them practically to some of those questions which have of late attracted the greatest share of public interest and attention.

I take first the inquiry into Municipal Corporations.

It is not my intention to advise the Crown to interrupt the progress of that inquiry, or to transfer the conduct of it from those to whom it was committed by the late government.

For myself I gave the best proof that I was not unfriendly to the principle of inquiry, by consenting to be a member of that Committee of the House of Commons on which it was originally devolved.

No report has yet been made by the Commissioners to whom the inquiry was afterwards referred, and until that report be made I cannot be expected to give, on the part of the Government, any other pledge than that they will bestow on the suggestions it may contain, and the evidence on which they may be founded, a full and unprejudiced consideration.

I will, in the next place, address myself to the questions in which those of our fellow-countrymen, who dissent from the doctrines of the Established Church, take an especial interest. Instead of making new professions, I will refer to the course which I took upon those subjects when out of power. In the first place, I supported the measure brought

forward by Lord Althorp, the object of which was to exempt all classes from the payment of Church-rates, applying in lieu thereof, out of a branch of the revenue, a certain sum for the building and repair of churches.

I never expressed, nor did I entertain, the slightest objection to the principle of a Bill of which Lord John Russell was the author, intended to relieve the conscientious scruples of Dissenters in respect to the ceremony of marriage: I give no opinion now on the particular measures themselves. They were proposed by ministers in whom the Dissenters had confidence. They were intended to give relief, and it is sufficient for my present purpose to state that I supported the principle of them.

I opposed, and I am bound to state that my opinions in that respect have undergone no change, the admission of Dissenters, as a claim of right, into the Universities; but I expressly declared that, if regulations, enforced by public authorities superintending the professions of law and medicine and the studies connected with them, had the effect of conferring advantages of the nature of civil privileges on one class of the King's subjects from which another class was excluded, those regulations ought to undergo modification, with the view of placing all the King's subjects, whatever their religious creeds, upon a footing of perfect equality with respect to any civil privilege.

I appeal to the course which I pursued on those several questions when office must have been out of contemplation; and I ask with confidence, does that course imply that I was actuated by any illiberal or intolerant spirit towards the Dissenting body, or by an unwillingness to consider fairly the redress of any real grievances?

In the examination of other questions which excited public feeling, I will not omit the Pension list. I resisted, and with the opinions I entertain, I should again resist, a

retrospective inquiry into pensions granted by the Crown, at a time when the discretion of the Crown was neither fettered by law nor by the expression of any opinion on the part of the House of Commons ; but I voted for the resolution moved by Lord Althorp that pensions on the Civil List ought for the future to be confined to such persons only as have just claims to the Royal beneficence, or are entitled to consideration, on account either of their personal services to the Crown, or of the performance of duties to the public, or of their scientific or literary eminence. On the resolution which I thus supported as a private Member of Parliament, I shall scrupulously act as a Minister of the Crown, and shall advise the grant of no pension which is not in conformity with the spirit and intention of the vote to which I was a party.

Then, as to the great question of Church Reform, on that head I have no new professions to make. I cannot give my consent to the alienation of Church property, in any part of the United Kingdom, from strictly ecclesiastical purposes. But I repeat now the opinions that I have already expressed in Parliament, in regard to the Church Establishment in Ireland, that, if by an improved distribution of the revenues of the Church its just influence can be extended, and the true interests of the Established religion promoted, all other considerations should be made subordinate to the advancement of objects of such paramount importance.

As to Church property in this country, no person has expressed a more earnest wish than I have done that the question of Tithe, complicated and difficult as I acknowledge it to be, should, if possible, be satisfactorily settled by means of a commutation founded upon just principles, and proposed after mature consideration.

With regard to alterations in the laws which govern our Ecclesiastical Establishment, I have had no recent opportunity of giving that grave consideration to a subject of the deepest interest, which could alone justify me in making any public declaration of opinion. It is a subject which must undergo the fullest deliberation, and into that deliberation the Government will enter, with the sincerest desire to remove every abuse that can impair the efficiency of the Establishment, to extend the sphere of its usefulness, and to strengthen and confirm its just claims upon the respect and affections of the people.

It is unnecessary for my purpose to enter into further details. I have said enough, with respect to general principles and their practical application to public measures, to indicate the spirit in which the King's Government is prepared to act. Our object will be the maintenance of peace, the scrupulous and honourable fulfilment, without reference to their original policy, of all existing engagements with Foreign Powers, the support of public credit, the enforcement of strict economy, and the just and impartial consideration of what is due to all interests, agricultural, manufacturing, and commercial.

Whatever may be the issue of the undertaking in which I am engaged, I feel assured that you will mark, by a renewal of your confidence, your approbation of the course I have pursued in accepting office.

I enter upon the arduous duties assigned to me, with the deepest sense of the responsibility they involve—with great distrust of my own qualifications for their adequate discharge, but at the same time with a resolution to persevere which nothing could inspire but the strong impulse of public duty, the consciousness of upright motives, and the firm belief that the people of this country will so far

maintain the prerogative of the king, as to give the minister of his choice—not an implicit confidence—but a fair trial.

I am, Gentlemen,

With affectionate regard,

Most faithfully yours,

(Signed)

ROBERT PEEL.

ENTERTAINMENT AT THE MANSION HOUSE.

December 23, 1834.

On the 23rd of December, 1834, the Lord Mayor gave an Entertainment to his Majesty's Ministers, a considerable number of the nobility, and the leading persons of the City. The health of the Right Honourable Sir Robert Peel and His Majesty's Ministers having been proposed by the Lord Mayor, Sir Robert thus addressed the company :—

Although the Lord Mayor has mentioned my name in particular, in conjunction with the rest of his Majesty's ministers, I am relieved from that embarrassment which on occasions such as this generally accompanies the mention of an individual name; for I am convinced that I should greatly mistake the object, and underrate the importance of this meeting, if I thought it was intended merely for the purpose of marking respect and consideration for any particular person, however high his public station. I cannot,

therefore, allege, as an excuse for the imperfect expression of my acknowledgments to this great assembly, that I am overwhelmed by the force of personal feelings. I believe your object to be, in a crisis of great importance, to intimate to the King, that his Majesty, having exercised a high prerogative of the Crown, according to the forms and the spirit of the Constitution, will receive a constitutional support from a great body of his subjects, remarkable for their intelligence, remarkable for their respectability and wealth, remarkable for the deep interest which they take in the welfare of the country. Your object also is, I trust and believe, to animate and encourage in the performance of their arduous duty those ministers who have been the objects of the King's choice, and have not shrunk from the responsibility of office. We are assembled neither for the purpose of compliment, nor for the purpose of celebrating the triumph of any party. I believe that your feelings, if I have correctly interpreted them, are in strict consonance with the feelings entertained by a great proportion of the intelligence of this country.

It is impossible to deny that, since the important event which took place within the last six weeks, there has been a state of calm and tranquillity in the country—a calm and tranquillity which, after the political excitement that had prevailed, could not well have been anticipated. I do not mistake the character of that state of calm and tranquillity: I do not construe it into an indifference to public affairs, into a lazy acquiescence in any Government that the King may be pleased to form, or any measures which that Government may propose. On the contrary, I feel convinced that this calm and this tranquillity are perfectly consistent with the utmost vigilance, and, if necessary, the most determined resolution. The present condition of the public mind is no more inconsistent with active motion than the serenity

of the ocean is inconsistent with occasional displays of resistless and overwhelming force. I believe that if the public feeling of this country were to find expression in words, it would speak in these or similar terms—"We are tired of agitation—we are tired of that state of continued excitement, the effect of which in private life is to withdraw men from their proper business, and in public life to consume the energies of public men in other than their proper duties. We hate the pressure from without—[Loud and protracted cheering drowned the conclusion of the sentence.] We are content that the public will should be expressed through authorized and constitutional organs. At the same time we require government to be administered for the sole purpose of promoting the true interests of this country. We require that there shall be a full and patient consideration of every thing that can be fairly suspected as partaking of the character of abuse, and if after such patient consideration the abuse be proved, we require that it shall be corrected; first, from hatred of the abuse, and, secondly, from love and respect for those ancient institutions, which abuse has the tendency to disfigure and impair." I believe that to be not an incorrect representation of the public feeling, and I also believe that no Government can maintain itself in the public estimation which is not prepared deliberately to act on such principles.

I am convinced, notwithstanding the manner in which the exercise of the prerogative of the Crown has been received, and although it is the duty of public men to co-operate with the Sovereign, when they have it in their power to enter into his service without sacrifice of principle, that no Government can stand unless it be supported by public opinion, and unless its members possess the public confidence. I do not agree with the views of some persons, who are disposed to overlook the men who constitute a govern-

ment, and regard merely the measures they propose. I do not believe that any government can be stable or permanent, which does not possess public confidence. I do not believe that a cold approbation of measures, after previous scrutiny, will avail for the support of a government, without reference to the heads which conceived, and the hands which are to execute, those measures. In every department of private life, it is upon the confidence we feel in certain individuals that we proceed: it is not this particular act or that, though we may approve its grounds and principles, that insures our confidence in men, but it is our general reliance on their known integrity and honour that induces us to trust them. In the public service the same principle prevails. In the profession of the law you do not rely upon such eminent individuals as Lord Lyndhurst or Sir James Scarlett merely in reference to some particular act of theirs, which you know to be right, but because you feel convinced, by their distinguished eminence and unimpeachable characters, that their decisions will be dictated by sound judgment, and by a sincere determination to do that which they conscientiously believe to be right. The same is the case with respect to acts of military enterprise. I ask you what raised this country to that pinnacle of military glory on which it stood during the last war—what preserved us from the proverbial vicissitudes of fortune? It was not the numbers of our army—it was not the lines established here, or the fortifications erected there—it was not mere military skill and conduct that made victory the certain consequence of battle, but it was, in conjunction with the native valour of British troop, the confidence reposed in one magic and immortal name. It was that feeling, influencing the lowest soldier, which inspired his heart with a new energy, and nerved his arm with new vigour. And, when the government of this country was suddenly changed, what was it

that made the whole community acquiesce with silent approbation in the decision of one man to obey the appeal of his Sovereign, and to fill for a time with his single person the great chasm in the public service of the state? It was not a simple reference to this or that particular act which he might perform, but it was an irresistible and spontaneous confidence in his undaunted resolution, and in that pure and disinterested singleness of purpose, which led the same man, who had shown himself ready in a crisis of extraordinary difficulty to assume power at the command of his Sovereign—which led him, acting solely upon his own suggestion and advice, to relinquish it. Without confidence in public men,—without confidence in their good intentions,—without confidence in their determination to fulfil any promises they may make—without full reliance upon their wish to consult the real and permanent interests of the country, no government can proceed with success. Appeals to individual acts, cold, formal, acquiescence in mere details, are not enough. I may undertake to say, on the part of his Majesty's ministers, that it will be our object to attain and confirm the confidence of the people, not by rash and precipitate pledges for the removal of every thing that may appear at the first superficial and imperfect view to be an evil—not by undertaking to make every concession hastily demanded by popular feelings—not by rashly promising relief from the pressure of taxation,—but by patient and dispassionate examination into practical grievances, and the proposal of remedies maturely considered, and designed less as the gratification of a popular wish, than the safe and permanent redress of a real evil.

I am charged with having offered no particular pledges as to specific measures. My answer is—A month has not yet elapsed since I left Rome; I have within that period, travelled from the south of Europe and reconstructed the

King's Government. But could any thing be more absurd than to pledge the Government to details and particulars which there has yet been no time to consider, and in reference to which, if pledges were now offered, we might find ourselves unable to redeem them? I think it would be neither politic nor just to pursue that course. I think the public opinion to be gained by it scarcely worth having. I have already intimated, in a public address to my late constituents, the tone and spirit of our Government, and I now repeat that the ministry of which I am one will maintain no abuse, under the mistaken notion that it can be for the interest of Government to support it. We will not resist the application of a remedy to any grievance, under the mistaken impression that it is not for the interest of Government to conciliate the public feeling, by acting for the public good, by redress of grievances, and correction of abuses, as far as possible. But I will not, by pledging myself to relieve particular burdens, or hastily to adopt particular remedies, debar the Government from affording that fair consideration which is due to the claims of all interests, or put out of our power a deliberate application of the most efficacious remedies. I repeat, possessed as the ministry are of the entire confidence of the Crown, our main object will be to conciliate the good-will, and secure the confidence of all that portion of the community that is most capable of exercising an enlightened judgment on public affairs; convinced as we are that they do require the correction of abuses, but wish it to proceed consistently with a respectful maintenance of the integrity and independence of those institutions of the country, which in the aggregate comprise the ancient established constitution in church and state. But sure I am that they do not wish our institutions to be corrected at the expense of collision with, or a destruction of, the independence of any of the esta-

blished orders of the state. If we, in concurrence with those whose good-will and acquiescence it is desirable to obtain, and consistently with the maintenance of the independent action of Lords and Commons, can apply a remedy to existing abuses, such a course will much more tend to the efficiency, the permanency, and the satisfactory working of practical reforms, than if they were carried through menace and clamour, against the will of those who have a right to be consulted, and whose cordial co-operation is essential to a happy result.

I conclude by again declaring, that in the execution of our public trust our object will be to conciliate and confirm public confidence, both as the highest reward of public men, and as the most efficacious instrument of good government. To obtain that confidence will be our earnest hope; second only to that, which, even on an occasion like this, it cannot be unbecoming in a minister of this country to express, that it may please Almighty God to direct and prosper our consultations to the advancement of true religion, and the safety, honour, and welfare of this great country.

ENTERTAINMENT AT TAMWORTH.

January 11th, 1835.

On the 11th of January 1835, a sumptuous entertainment was given by Sir Robert Peel to a large company of his constituents and friends at the Town-Hall, Tamworth, on occasion of his re-election as representative of that Borough. Sir Robert himself presided. After the usual toasts in honour of the King, Queen, and Royal Family, the health of the Right Honourable Chairman was drunk with enthusiastic acclamations. As soon as these had subsided, Sir Robert rose, and thus addressed the company :—

GENTLEMEN,

There are occasions, and this is one of them, on which the manifestations of attachment and confidence on the one part are so marked, and the feelings they excite, on the other, are so strong, that the most natural and most unaffected forms of speech are best suited to the expression of those feelings. I will add nothing, therefore, to the simple assurance that I most sincerely and most cordially thank you. It was a source of deep regret to me that I had not the opportunity, previously to the election, of soliciting in person a renewal of your confidence, and of appearing at the hustings in the face of my constituents, to give an account of my past and to explain the principles on which my future conduct in Parliament would be regulated. Nothing should have prevented this, but that cause which will be in your eyes a complete justification of my absence—the entire devotion of my time to the dispatch of that arrear of official business which had accumulated previously

to my arrival in England, and during the period that I was occupied in the formation of the King's Government. I can with truth assure you, that I laboured night and day in the dispatch of that business, for the express purpose of being enabled to meet you here on this occasion. There are, no doubt, constituencies more numerous and more opulent than that which I represent; but my feelings must undergo a great alteration if ever I consent to exchange for any other the representation of the borough of Tamworth, so long as my tried and valued friends are willing to accept my services in Parliament. The relation of a member to his constituents does not depend upon their number or their wealth; and I should not have felt more anxious to explain and justify my public course to those who had given me their confidence, if I had represented five or six thousand constituents, instead of five or six hundred. And I do hope that, if there be any elector here present, who has an explanation to seek, or a question to put, he will freely exercise, on this occasion, the privilege which he was entitled to exercise, had I been present on the hustings. Gentlemen, the change in my public position since we last met does not, in the least degree, alter my desire to give that explanation, or to answer that question. These are not the times when public men can affect ministerial reserve, and fancy themselves exempted from the duty of frank communication with those whom they represent. It is because I am a Minister of the Crown that I court, rather than shrink from, the opportunity of such communication. It is by the result of public discussion that, as a Minister, I hope to succeed—by dispelling unjust suspicions, by removing unfounded prejudices—by refuting the misstatements which ignorance or malignity may put forth. It is by these instruments that truth will ultimately prevail, and that justice will ultimately be done; and of these instru-

ments I shall never hesitate fully and freely to avail myself. Into the detail of measures which may be in the contemplation of the King's Government you will not expect me to enter. There can be no motive but a sense of public duty for not entering into it—for scarcely a month will elapse before an explanation must be entered into, in the face of Parliament and of the country. But you well know that, even if I could now give, consistently with my duty, an account of particular measures, unless that account were accompanied by the fullest explanation of every detail, (nay, even if it were so accompanied,) I should be only affording ground for an intermediate discussion in the most inconvenient form—and that all those who are prepared to condemn a government without a hearing, would not conduct a discussion upon the measures of that government with very dispassionate and unprejudiced views.

But as to the motives of any public act of mine, and the general principles on which the government, of which I am a member, will be conducted, I am prepared to give every information that either a friend or an opponent can desire. And first, as to my acceptance of office. The circumstances under which it was proposed to me are too notorious to require any explanation. Had they been less so, this, I trust, is not the place where it would be necessary for me to vindicate myself from the charge of seeking office through any intrigue, or secret and unfair hostility towards the late government. I left this country, never dreaming of office or the return to it. I left it, strange as it may seem, without one word of previous communication with my illustrious friend, the Duke of Wellington, as to my intention of quitting England at all, and of course, therefore, without a word either as to the place of my destination or the period of my absence. Upon the honour of a gentleman, this is the literal truth; and I ask you, if either the Duke of Well-

ton or I had contemplated the removal of a government through any act or artifice of ours,—was it consistent with common sense that I should leave England, or that he should allow me to leave it, without one single word of communication, direct or indirect, on public affairs? And, Gentlemen, believe me that, if there were men capable of mean intrigues against a government, there is in the highest authority in this realm intelligence to discern, and honesty to defeat, the intriguers, and to exclude them for ever from the confidence and favour of the Crown. But, although I state the plain truth with respect to the circumstances under which we entered office, I do not state it for the purpose of disclaiming any responsibility that can or ought to attach to us. About the personal consequences to ourselves of the course we have pursued, neither the Duke of Wellington nor I have bestowed a thought. We were prevented by no public principle from entering into the service of the Crown: we were invited to enter into it at a crisis of great difficulty; and we performed that duty which is as imperative on the civilian as it is upon the soldier, which commands us not to despair of the commonwealth, and to sacrifice to the service of the King, which is identical with the service of the state, the consideration of personal ease, and personal interests, ay, and if you will, of personal safety.

I am told, and on high authority, that, by accepting office, I became responsible for the removal of those who preceded me—that there is a process by which responsibility can be antedated, and that, by taking the vacant seat of a retired minister, I stand in the same position as if I had instigated and counselled the vacancy. If this be constitutional law, I must abide, and am ready to abide, by it. Any thing rather than adopt the alternative, by which alone the responsibility could have been avoided. That alternative was

clearly this. I must have told the King, in answer to his appeal for my assistance—"Your Majesty has acted rashly and unadvisedly in parting with your government. It is true that Lord Stanley had retired from it; that the Duke of Richmond had retired from it; that Lord Ripon, that Sir James Graham, that Lord Grey, had retired from it, that lastly, Lord Althorp had retired from it; that the key-stone of the arch had fallen, but still, your Majesty was bound to adhere to the shattered fabric that remained. What Lord Stanley may do; what Lord Grey may do; what all the eminent men who have left your service may do; you, the King of England cannot do. Your discretion is fettered, you must continue your confidence in those from whom their colleagues have withdrawn their co-operation. I can give you no assistance, no advice, but to supplicate Lord Melbourne and his colleagues to return." If I had thus addressed the King, I might indeed have escaped responsibility; but, believe me, the last place in which I would have shown my face, would have been in the society of spirited and loyal gentlemen.

Of the King's late government, or of any member of it, I say nothing disrespectful or disparaging. If I were inclined to disparage them, I would not do it in their absence; but, I am not so inclined. When they were in power, I never joined in the abuse by which they were assailed, by the very men who are now the loudest in lamenting their fall. My first act, on entering the King's service, was earnestly to advise his Majesty to form his government on a basis as wide and comprehensive as was consistent with the principles and honour of public men, and with that view to allow me to seek the co-operation of Lord Stanley and of those who had acted in concurrence with him. I sought that co-operation, feeling, in the situation in which I was placed, a paramount obligation to make the appeal, but

perfectly admitting that there was not a corresponding obligation on the part of Lord Stanley to accept the proposal, and feeling assured that, whatever might be his decision, it would be dictated by a high sense of public duty, and by that alone. Lord Stanley declined the offer, making no declarations to me, which were not in precise correspondence with his public addresses to his constituents, and confirming the impression under which I made the offer, that his course in public life, whether in or out of office, would be governed by the highest and purest motives. Failing in my effort to procure the assistance of Lord Stanley, I proceeded, in the best manner I could, to execute the commission with which the King had honoured me. The basis on which the government was formed was of course less extensive than I wished; but the men to whom I proposed office were men in whose integrity, in whose experience, in whose ability, I had the highest confidence, and whose views of the public policy which it is fitting for the King's government to pursue I ascertained to be in conformity with my own. I had not to balance in the cabinet one set of conflicting opinions against another. I was not embarrassed with this or that man's personal pretensions, or the rival interests of this or that section of a party. I found but one predominant feeling among the high-minded and honourable men with whom I was connected,—an earnest desire on the part of each to do that which might be deemed best for the public service; either by undertaking office, or withdrawing any claim for it.

It is said, however, that the government has not now the confidence of the people—that the members who compose it are obnoxious to the people. Now, who are those who have recently entered the King's service, and in whom the people are said to have no confidence? The member who sat in the late Parliament for Essex, the member for Kent, for

the county of Montgomery, for the county of Perth, for the county of Nottingham, for Wiltshire, for Cumberland, for Dorsetshire, for the counties of Tyrone, and Down, and Sligo, have accepted office, and have made an appeal to their constituents, the result of which a short time will determine. The member for Exeter, for Northampton, for Norwich, for Yarmouth, for Leeds, has been returned to Parliament, each since his acceptance of office. Have Hull, and Liverpool, and Bristol, marked their disapprobation of the principles avowed by the King's Government? Look at the constituencies of these several counties and towns—constituencies existing under the Reform Bill—and judge whether the men who represent them are to be denounced as persons unworthy of the confidence of the people. But the truth is, that there never was an assumption more gratuitous and more arrogant than that of those who undertake to answer for the opinions, and to claim for themselves the authority, of the people of England. Every little knot of angry politicians speaks in the name of the people. They remind one of the story of Mr. Sheridan,—that three tailors met in Tooley-street, to petition Parliament, and headed their petition, “We, the people of England.” They begin by excluding from their definition of the people the nobility, the clergy, the magistracy, the landed proprietary; they assume that, between those classes and the class which constitutes, in their sense of the term, the people, there is no community of interest or feeling, and that in the class so constituting the people there is perfect unanimity. Now, let them make what exclusions they please, can they make any which, with any semblance of decency, will exclude this society from its right to be considered a part of the people? I see around me magistrates, country gentlemen, the ministers of the Established Church, the ministers of Roman Catholic and Dissenting congregations, farmers, manufac-

turers, retail dealers,—entertaining, no doubt, different opinions on many points, but agreed in this—to support the King in the exercise of his just prerogative, and at least to hear before they condemn the intentions of his Government. My belief is, that in holding this opinion they hold it in concurrence with a very large proportion of that class of society which has education, intelligence, and property, and that that proportion is daily increasing in numerical and moral strength.

I am told that I am not a reformer, and that if I become a reformer I must be an apostate. Now before I determine whether I am a reformer or not, I must have a definition of the term. I see some men who call themselves reformers, who throw the greatest obstructions in the way of real reform; who consume the public time in useless motions; who make speeches for mere display; who condemn every thing as wrong, and set nothing right; who soar above the vulgar task of devising practical remedies themselves, and leave no time to others to devise them. They denounce you as a defender of all abuses, if you do not adopt their definition of an abuse. One gentleman thinks the Legislative Union an abuse; another thinks the Church of England an abuse; another thinks Grand Juries an abuse; another insists on vote by ballot; another on expelling the Bishops from the House of Lords. I voted against all their propositions on these subjects, which were submitted to a vote; and, if this be the test of an anti-reformer and a patron of abuses, I must be condemned as such—but I must be condemned in company with Lord Althorp and Lord John Russell, who voted as I did. I shall continue to take the same course; shall claim for myself the right to form my own judgment, neither taking for granted that that must be an abuse which any one may please to call an abuse, nor deterred from applying a re-

medy by the fear of being charged with apostacy. An apostate indeed ! Why, I have done more in the cause of substantial and permanent improvement than nine-tenths of those who call themselves reformers. Who can justly charge me with the dereliction of any principle, supposing I do enforce economy, reduce unnecessary offices, facilitate commercial enterprise, or remove impediments from the course of justice ? Did I lend a cold and lukewarm support to the alterations in our commercial policy ? Was the Duke of Wellington's Government an enemy to retrenchment ? Hear the testimony of an avowed and decided opponent of that Government, one of the late ministers—Lord Palmerston. In speaking at this very election to his constituents, after claiming that credit for economy for his own colleagues, to which, I must say, they were justly entitled, and mentioning the extent to which they had reduced expenditure and taxation, he adds,—“ This, it would be allowed, was doing a great deal in the way of reduction, considering that they had succeeded a government which, he would do it the justice to say, had laboured hard and efficiently in the work of economy and retrenchment.”

Then as to the law, hear again the testimony of another of the late ministers, from whom I have differed in public life, but who did not withhold, on account of that difference, the honourable testimony of his applause to the course I pursued in respect to legal reform. In the year 1827, Sir John Hobhouse, then member for Westminster, made these observations in the House of Commons,—“ There was a practice which prevailed in the city which he had the honour to represent, (Westminster,) in obedience to which the representatives were obliged annually to appear before the represented, to render an account of their proceedings, and to receive such instructions with respect to their future conduct, as the circumstances of the times rendered expedient.

Upon those occasions it had been usual to hold forth to their imitation *such men as were considered models with regard to conduct*; and he hoped it would be considered neither foolish nor improper to say, upon the present occasion, that *at those times the name of the Right Hon. Gentleman had been always declared entitled to rank amongst those of the benefactors of mankind.*" [The Chancellor of the Exchequer here seemed to laugh.] "The Chancellor," continued the Right Hon. Gentleman, "may smile, but although there may be prejudices of another description, they, looked only *on the great reformer of great abuses, and, as such, considered him entitled to the gratitude of the country.*"

Why do I refer to these things? Why do I appeal to the testimony thus given by competent and disinterested judges? For the purpose of showing that I can promote economy and correct acknowledged abuses, not only without a dereliction of principle, but in strict adherence to principle. My judgment of what constitutes an abuse may, and probably will, differ from that of many who require alterations in the law and institutions of this country. I may sometimes doubt whether that is abuse, which is so designated. I may sometimes doubt whether the evil of the remedy is not greater than that of the disease. If I entertain that opinion, I will avow it, in spite of its temporary unpopularity; but I shall approach the consideration of an alleged abuse with a firm belief that, if the allegation be true, a Government gains ten times more strength by correcting an admitted evil than they could by maintaining it, if it were possible to maintain it. I have interfered much too long with the proper object of this convivial meeting, and will bring my interruption to a close. [Loud cries of "No, no, go on, go on," here issued from every part of the room.] The Right Hon. Baronet then proceeded.

Notwithstanding all the ominous predictions of our inability to carry on the government, I own to you that I do entertain the greatest confidence that those predictions will not be verified—and that the representatives of the country will not refuse to give to the King's ministers a FAIR TRIAL. A few weeks only can elapse before the experiment will be made. I am not alarmed at the lists that are published, dividing the members of parliament into "conservatives" and "reformers." I cannot but think that many of those who are classed as reformers entertain opinions not far different from my own; and every hour that passes will, I doubt not, increase the disposition to take a calmer view of the principles upon which we propose to act. If the public and the representatives of this country are convinced that we are desirous of maintaining our national institutions, and of improving them, with a view to their maintenance, I do not believe that they will lend themselves to any factious opposition to the King's Government. The people of England are anxious, I believe, to preserve, in their full integrity, the prerogatives of their ancient monarchy. They are anxious to maintain the free and independent action of every branch of the legislature; they are anxious to maintain the church and its connexion with the state, less for any civil or secular object than because they believe the maintenance of the Established Church to be the best security for the maintenance of that faith which they profess, and the surest bulwark against infidelity on the one hand, and fanaticism on the other. They will support the church on high grounds of religious feeling and principle, in which, even many, who do not conform to all the doctrines of the church, may cordially and zealously concur. This object, I, for one, am determined to maintain. But, it is quite consistent with that object to relieve any real grievance, and to remove any civil disadvantage under which

those who do not concur in the doctrines of the Established Church may labour. My opinion is that, with that course, coupled with a sincere desire to promote rational and well matured improvement, the people of England will be content; nay more, that of that course they will cordially approve.

As for myself, whatever may be the result, I regard it without any feelings of anxiety or apprehension; I have no object of personal ambition to gratify, and, whatever else I may lose, I cannot lose the consolation of having acted on a sense of public duty at a period of great difficulty. If I succeed, I shall have the satisfaction of thinking that I have succeeded against great obstacles and amid the most confident predictions of failure. I BELIEVE THAT I SHALL SUCCEED. I have that confidence in a good cause; I have that confidence in the success of good intentions; that I believe that a majority of the representatives of England will be satisfied with the measures which I shall propose, and that they will lend their support and co-operation in carrying them into effect. But, Gentlemen, if I am mistaken; if, after having exerted myself to the utmost in that great cause in which I am engaged; if, having nothing to upbraid myself with, I shall nevertheless fail, then, I do assure you, so far as my personal feelings are concerned, I shall relinquish the powers, emoluments, and distinctions of office with any feelings rather than those of mortification and regret. I shall find ample compensation for the loss of office; I shall return to pursuits quite as congenial to my taste and feelings as the cares and labours of office; I shall feel the full force of the sentiments which are applied by the poet to the hardy natives of the Alpine regions:—

“ As the loud torrent and the whirlwind’s roar,
But bind him to his native mountains more !”

so shall I feel, that the angry contentions and collisions of

political life will but bind me the more to this place, not, indeed, the place of my nativity, but dearer to me than the place of my nativity,—by every early recollection and association, and by the formation of those first friendships, which have remained uninterrupted to this hour. I shall return hither to do what good I can in a more limited sphere, and with humbler powers of action to encourage local improvement, to enjoy the opportunities of friendly intercourse, and to unite with you in promoting good-fellowship, and a spirit of conciliation and mutual good-will in that society, to the bosom of which I shall return.

The Right Hon. Baronet sat down amidst most rapturous cheering, which subsided only for an instant, to be renewed again and again with increased ardour, until the enthusiasm of the company had afforded itself the utmost gratification.

ON THE CHOICE OF A SPEAKER.

February 19th, 1835.

A dissolution having taken place in consequence of the change of administration, a new Parliament was summoned to meet on the 19th of February, 1835. The first business that engaged their attention was of course the choice of a Speaker. Lord Francis Egerton, after paying a deserved tribute to the eminent qualifications of the Right Hon. Gentleman who for eighteen years had discharged the important duties of Speaker, during seven successive Parliaments, moved that Sir Charles Manners Sutton do take

the Chair. The motion was seconded by Sir Charles Burrel. Mr. Denison moved that the member for the city of Edinburgh, the Right Hon. James Abercomby, should be called to the office of Speaker, and was seconded by Mr. Ord.

On this occasion the Chancellor of the Exchequer rose and spoke as follows :—

I shall pursue the course which has been generally pursued by every one who has hitherto taken part in this discussion—and confine my observations to the question immediately before the House. Such a course appears to me not only wise in relation to the topic under discussion; but to be especially necessary as we have not yet gone through one of the formalities essential to constitute a House of Parliament. I shall, in the first place, speak as a witness; and it will be my duty, a duty perhaps unnecessary for me to discharge, to confirm, in as far as I have any knowledge, the statement of my right hon. friend, the member for the University of Cambridge, Sir C. M. Sutton. The only part of the transactions, however, to which I shall speak, occurred after my return to this country. Of what took place previously to my arrival I can say nothing. Having undertaken the duty which my sovereign had assigned to me, I sought an interview with my right hon. friend, for I was anxious, from the high opinion that I entertained of the talents, character, and experience of my right hon. friend in public business, to procure his assistance and co-operation. Having informed my right hon. friend of the duty I had undertaken, and the principle upon which I should endeavour to construct an administration; namely, that I should seek for aid from every man of character and talent who could unite with me consistently with his honour and his principles; I asked my right hon. friend whether or not it was consistent with his feelings and sense of duty to enter into the service of the Crown? I received

from my right hon. friend this answer—That he did not seek employment in any official capacity in the service of the Crown. There was a defect apparently in that answer which I will supply, as probably it will furnish the main reason which induced the right hon. gentleman at such a time to withhold his services from his Majesty. The right hon. gentleman stated that he had served in the chair of the House of Commons for a period of eighteen years; and he felt that, if he were to enter into the arena of political discussion as a member of the Government, he should, after so long a service in the chair and his personal connexion with, and authority in, that situation, run the risk of lowering it, if he appeared on the floor of the House of Commons as a member of the Government. That was the reason which my right hon. friend assigned for his desire to withhold his services from the public. When I understood from my right hon. friend, that he was not willing, upon that ground, to enter into the service of the Crown as a member of the House of Commons, fearing that something might occur to lower the authority of the office he had held, if he became a member of the Government at a time when it was likely that there would be stormy discussions; having received that answer, I did not feel it to be my duty to consult my right hon. friend, either as to the formation of the Government or its policy—and not one word passed between my right hon. friend and myself on the subject. I asked my right hon. friend, whether he would wish again to fill the chair of the House of Commons in the event of a dissolution? He replied, that he had no wish or feeling upon the subject—that it was a matter upon which he could have no personal interest, in consequence of the former liberality of the House of Commons. At the same time, my right hon. friend stated, that the impediment of ill-health, which before led him to meditate retirement, no

longer existed; and that, if I thought that his services would be of any value to the public, as long as his health would permit, he should feel it his duty not to withhold them, if placed in the chair of that House. I had expressed no opinion on the subject, and least of all any wish that my right hon. friend should resume the office, if there should be any indisposition on the part of the House to receive him. These were the circumstances, as far as my knowledge goes, of the course pursued by my right hon. friend.

The question now is whether, since my right hon. friend has professed his willingness to serve, it is right and fitting that we should select another Speaker. The noble Lord, the member for Devonshire, Lord John Russell, said, that the House has a perfect right to choose whom they please. Is that the question at issue? Who contests the noble Lord's position? The noble Lord, who is the loudest in claiming this prerogative, ought to know that it is a trust conferred for the public good, and ought to be exercised with discretion—that it does not become him to insist on the exercise of the barren and abstract right, but to consider the more important point—namely, whether it can be exercised with justice to individuals and advantage to the public. The noble Lord has said that he could quote precedents, but with all his historical research, the only case which the noble Lord has been able to set against the example of Earl Grey and the first reformed Parliament is the conduct of Lord North with respect to Sir Fletcher Norton. A worthy precedent truly! Did that case proceed upon any intelligible principle? Was not the argument employed then something like that used upon the present occasion—namely, “ You have given us offence upon one ground, or we wish to gain an advantage upon one ground, but we will assign another for depriving you of

the means of rendering further service to the House of Commons?" The ground of Lord North's objection to Sir Fletcher Norton was a speech delivered by the latter at the bar of the House of Lords. Did Lord North assign that as his reason for displacing him? No. His reason was pretended solicitude for the health of Sir Fletcher Norton. Thus it was evident, that Lord North was so convinced that, whatever might be the abstract right of the House, they would, by exercising it, inflict injustice upon Sir Fletcher Norton, that he carefully avoided stating in the face of the House his real reason for wishing to get rid of him. If there is any thing analogous in the two cases it is this, that both in the one and the other an offence was imputed, and the opponents of the candidate said, we will act upon that imputation as truth, and yet assign some other cause for not re-electing you. The noble Lord also quoted another precedent, that of Sir Edward Seymour, which he must have selected when it was thought that the charge could be successfully brought against my right hon. friend of having counselled or instigated the dissolution of the last Parliament, for the part of the precedent which extorted the slightest cheer was that in which it was insinuated, that if he should be re-elected, the Speaker would do as he had done before. But how did the case of Sir Edward Seymour bear upon the present one? The House of Commons had unanimously elected him Speaker. [*A Member*: Against the wishes of the King.] "Against I care not what," (said the right hon. Baronet, with more than his accustomed energy.) But I ought to beg pardon for my apparent warmth. I may say with sincerity, that I feel the duties which have devolved on me to be far too onerous for me to set in the House any such example as that of being betrayed into unbecoming warmth.

I was about to observe, when I was interrupted, that the case of Sir Edward Seymour has not the least reference to the present discussion. The Commons then elected a Speaker whose appointment the Crown refused to sanction, wishing to promote the election of another; it is therefore evident that the strong and just reasons urged by the Commons for adhering to their original choice, which have been quoted by the noble Lord, are applicable to another and totally different state of circumstances from that which now occupies the attention of the House. Not in the least doubting the right of the House to refuse to re-appoint the late Speaker, the question is whether such a refusal is fair and just, not towards the individual alone, but towards the House. Is the House called upon by a sense of fitness, or justice, to choose any other person in the place of him who has received his appointment by the almost unanimous sanction of six Parliaments—who has served the House of Commons for eighteen years—against whom every charge has been abandoned—whose health permits him again to undertake the office, and who is willing, without the possibility of his being actuated by any motive of personal interest, to continue in the performance of its duties? Will the House allow their late Speaker to suffer by six weeks of uncontradicted calumnies against him,* uncontradicted by himself, or by his authority, until that day, and which calumnies, and not a sense of his unfitness for the office, had raised a feeling against him amongst the constituents of some hon. members? May I be allowed to ask the noble Lord opposite (Lord John

* It was alleged that Sir C. M. Sutton had by his influence with his Majesty, contributed to the dismissal of Lord Melbourne's administration, and busied himself in the formation of Sir Robert Peel's.

Russell) a question? Is it not the noble Lord's own impression—and if it is, I am sure the noble Lord will have the manliness to avow it—that the late Speaker was concerned in instigating and provoking the dissolution of the Parliament? [*“Don't answer.”*] I appeal to the noble Lord's candour.

Lord John Russell said, that his impression was, that the late Speaker went no further than this—that he took an active part with respect to the formation of a Government, which Government could do no other than dissolve the Parliament. His grounds of objection, therefore, had certainly been founded on the supposition, that the right hon. gentleman had contributed by his conduct to the dissolution of the late Parliament.

The Chancellor of the Exchequer resumed:—The impression on my mind is, that the noble Lord, at a public meeting, expressly declared the ground of his objection to the re-election of my right hon. friend to be, not that he had attended councils, but that he had been a party to the advice through which the Parliament had been dissolved. That was the ground taken up by the public press, and the ground on which some constituencies advised their representatives to vote against the re-election of my right hon. friend. I implore hon. members to reflect that, if their impression against my right hon. friend rested originally on erroneous grounds, they are bound in manliness to refuse to vote upon those grounds. They may oppose the re-election of my right hon. friend upon public principle, if they think it applicable to the case; but, if either they or their constituents originally formed the determination of opposing him upon the erroneous grounds which I have adverted to, I have sufficient confidence in their manliness and honour to believe that they will not act upon that determination.

Something has been said about a "public principle" involved in the decision of the present question. Now, what are the arguments advanced in support of this proposition? One hon. member said, that the Speaker ought to represent the opinion of the majority of the House. Is that a good principle to establish? Is it wise, or conducive to the dignity and just station of the chair, that its possessor should ever be seeking favour with the political majority in order to secure his re-election? Is it not infinitely wiser to look at the qualifications of the individual to fill the office for which he is proposed, than to consider his political opinions? But that question has been decided by the first reformed Parliament. Earl Grey and his adherents, having a great majority, thought it right to elect the right hon. gentleman, though differing from them on political principles, whom some of the same party now oppose. They had the power then to enforce their opinions, and why did they depart from what they now call a great principle, and wish so urgently to carry into effect? The first decision of the first reformed parliament carries with it this conclusion, that the House did not feel itself called upon to elect a Speaker whose political opinions were in accordance with those of the majority of its members. But what is the explanation given by the noble Lord? The noble Lord says:—'We wanted to avail ourselves of the advantages of the right hon. gentleman's character, judgment, abilities and experience, and therefore we elected him.' But he has served their turn; he has done his work; he has answered their object; and (with singular ingratitude, I must say,) they would now dismiss him, after they have established the principle of electing a Speaker not of their own political opinions, when they had the power of doing so. After they have availed themselves of his services, and after he has co-operated with them in establishing the character of

the first reformed parliament for decorum, they would unfairly take the very first opportunity to subject him to disgrace. [*"No, no."*] No, no, indeed, for no disgrace could be heaped upon a man who has conscientiously done his duty. It is beyond the reach of a majority to do that; but it is not beyond the reach of a majority to injure the character of the House.

The hon. member who nominated the right hon. member for Edinburgh, in a speech which, I may be allowed to say, exhibited much good sense, said that the election of a Speaker is an important matter at the present time, because various important topics are about to be brought under discussion, and, amongst others, questions relating to the constitution of the present and the dismissal of the late Government; and, in order that justice may be done to the discussion of those questions, the hon. member urges that an impartial Speaker be appointed. Well, whom does he propose? I have taken down the hon. member's words: he said that the House requires an impartial mediator to still the raging storms that will arise amidst the conflicts of exasperated parties. Does then the hon. member propose to select a gentleman who has stood aloof from party? No; his choice falls upon a distinguished member of the very Government whose removal is to be brought under the consideration of the House. If impartiality in the Speaker be so desirable, let not the House select a gentleman to fill that office who was a member of that Government, the conduct of which is likely to occupy the attention of the House. There are two candidates for the Speakership—one, the late Speaker, who has served the House during eighteen years, and been elected by seven Parliaments; who has declined to accept office under the Crown, because he thought it would have a tendency to lower the authority of the chair:—the other a member of the late Government, with

respect to whom not a word of disrespect shall fall from my lips, but of whose impartiality the House has no means of judging. Can the House doubt which to give the preference to? The House is bound to be as careful not to do injustice to an individual, as it is not to abandon its principles, or to lessen its own character. The House has another and most important duty to perform. If it wants confidence in his Majesty's Government, let it make that fairly and openly a ground of address to the Crown; but let it not do injustice to an individual whose high merits all admit, by selecting him as the first victim of its displeasure.

I resist, therefore, the motion of the hon. member for Surrey, not only on individual and personal, but on general grounds; and as the office in question is the only one which the House has the power of bestowing, let us make such a selection as will be in accordance with the examples which both the unreformed and the reformed House have afforded us. The only objection of a personal nature made by the noble Lord to the appointment of my right hon. friend is, that he attended some three or four privy councils which were purely of a formal character. That one charge is to invalidate the impartiality, dignity, ability, and experience practised during eighteen years. But what is the nature of this charge? If it is not fitting that the Speaker of this House should be a privy counsellor, let there be a regulation to that effect; but if he be one, why should he be blamed for performing the duties of the office? An erroneous opinion is entertained by a part of the public that the meetings of the privy council which have been referred to were deliberative assemblies. The noble Lord opposite, also, is quite mistaken when he says that they were attended only by members of the Cabinet. Any members of the council not members of the Cabinet may attend

and they frequently do so. Their duty is merely ministerial, and they offer not a word of advice to the Sovereign. If the Speaker were in London, living in the house assigned to him for a residence by his Majesty, and received a summons to attend a privy council, on what ground is he to refuse to perform his duty? The charge respecting the late Speaker attending councils is not worthy of one moment's attention, after his solemn disclaimer that he had been directly or indirectly a party to the dismissal of the late Government, the formation of the present, or the dissolution of Parliament. For my part, I will give my vote in favour of my right hon. friend, of whose experience and ability I have had so many proofs. I implore hon. members to consider that the office of Speaker is one which ought not to be made the subject of party feeling. The precincts of the chair ought not to be converted into ground on which political battles may be fought. I oppose the appointment of the right hon. member for Edinburgh, not because I have any doubt with respect to his qualifications for the office of Speaker, but on the double ground—first, that the qualifications of my right hon. friend are superior, from his long practice and experience; and, secondly, because I think that his supersession would be unjust towards him individually, and have a tendency to disparage the authority of the Chair, and the House of Commons itself.

On the division which followed the debate, the numbers were:—

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| For Mr. Abercromby . . . | 316 |
| For Sir C. M. Sutton . . . | 306 |
| Majority in favour of the former . . . | <u>10</u> |

ON THE MOTION OF AN ADDRESS OF THANKS
TO HIS MAJESTY.

February 24, 1835.

On the motion of an Address of thanks to his Majesty in answer to his most gracious speech from the throne on the opening of Parliament, on the 24th. of February, 1835, Sir Robert Peel rose and thus addressed the House,—

I feel, Sir, that, in the situation in which I stand upon this occasion, it might seem to argue a disrespect towards this House, totally alien to my feelings, if I were to allow this debate to close, and the division to be taken, without availing myself of the opportunity which is presented of giving the House those explanations which have been required during the preceding discussion. However my opinion may have occasionally differed from many of those whom I have the honour to address, I trust that I have never, upon any occasion, or under any circumstances, shown a disposition to treat with disrespect any portion of the members of this House, or to shrink from giving an explanation, either as to my conduct when acting in a private capacity, or called upon as a member of his Majesty's Government to furnish those explanations, or to express those views, which in the performance of my public duty I am bound to submit to the House.

I shall, therefore, with the permission of the House, trusting to the continuance of that indulgence which in former Parliaments I have so frequently experienced, and relying upon their consideration of the position in which I stand, charged as I am with the important duties which

have fallen to my lot—I shall, I repeat, under these circumstances, confidently reckon upon their patient and indulgent attention, whilst I proceed to recapitulate and review the matters which have been alluded to in the course of the debate, the doubts expressed, and the explanations demanded.

I shall, in the first place, refer to the circumstances under which the present Government was constituted; I shall defend the course which I thought it my duty to advise the King to pursue at the period of its formation; and give an accurate outline of the measures which it is the intention of his Majesty's Government to introduce: those explanations the House has a right to require, and I should shrink from the duty which is imposed upon me were I not to manifest a willingness to afford them. I stand here as the minister of the Crown—placed in this situation by no act of my own—in consequence of no dexterous combination with those to whose principles I have been uniformly opposed, and with whom I might frequently have made, had I been so inclined, temporary alliance for the purpose of embarrassing the former Government. I stand here in fulfilment of a public duty, shrinking from no responsibility, with no arrogant pretensions of defying or disregarding the opinions of the majority of this House, yet still resolved to persevere to the last, as far as it is consistent with the honour of a public man, in maintaining the prerogative of the Crown, and in fulfilling those duties which I owe to my King and to my country.

In vindication of the course which I have pursued, it is necessary that I should refer to the circumstances which preceded the dissolution of the last Government. I have been asked whether I would impose on the King in his personal capacity the responsibility of the dismissal of that Government? In answer to this question I will at once

declare, that I claim all the responsibility which properly belongs to me as a public man; I am responsible for the assumption of the duty which I have undertaken, and, if you please, I am, by my acceptance of office, responsible for the removal of the late Government. God forbid that I should endeavour to transfer any responsibility which ought properly to devolve upon me to that high and sacred authority whom the constitution of this country recognises as incapable of error, and whose every act it imputes to the advice of responsible counsellors. But whilst I disclaim all intention of shrinking from that responsibility, which one situated as I am must necessarily incur, I must at the same time unhesitatingly assert, what is perfectly consistent with the truth, and what is due to respect for my own character,—namely, that I was not, and under no circumstance would I have been, a party to the secret counselling or instigating of the removal of any Government. But although I have not taken any part in procuring the dismissal of the late Government, although I could not, from circumstances which are notorious to the world, hold communication with any of those with whom I have now the honour to act, much less with the highest authority in the state, as to the propriety or policy of that dismissal, still I do conceive that, by the assumption of office, the responsibility of the change which has taken place is transferred from the Crown to its advisers; and I am ready—be the majority against me what it may—to take all the responsibility which constitutionally belongs to me, and submit to any consequences to which the assumption of that responsibility may expose me.

I do not, then, hesitate to express it as my opinion that the act by which the last Government was removed was an act perfectly justifiable. I will, for the purpose of proving this proposition, take a review of the state of the

country for some time past, looking back to the meeting of the Reformed Parliament in February, 1833. It will be seen that the Government which was formed under the auspices of Lord Grey, and which had carried the Reform Bill, continued in a successful course for a certain period. Was I one of those who refused to recognise and submit to the great change which had then recently been effected? Was I not the first to avow, in 1833, that the old tactics of party were no longer applicable to the new circumstances of the Government of the country, and that I would give my support to the administration of Lord Grey as long as that Government acted upon the principle of maintaining the institutions of the country, and of promoting, not opposing the improvement of them? Did I seek opportunities for embarrassing that Government? How many occasions were there not, of which I might have availed myself, if I had been solicitous to obtain power, to obstruct the course of the Government of Lord Grey! When the House of Commons had determined by a vote of one night to repeal the malt-tax, and I heard that that vote would be followed by the removal of Lord Althorp from his place in the Government, by his immediate resignation, in consequence of his declared inability to yield on this point to the demand of a majority of this House, consistently with the maintenance of public credit—did I seek any plausible pretext of joining those who were upon that question opposed to the Government, and thereby increase its embarrassment? Did I not tender my advice that this House should re-consider that vote, and did I not share the unpopularity of rescinding the resolution for the removal of a tax to which many of my own friends were decided opponents? Again, when the noble Lord (Stanley,) then Secretary for the Colonies, brought forward the measure for the settlement of the great question of slavery, when the

noble Lord had at first proposed a loan of fifteen millions, to slave-proprietors, and afterwards, to the surprise of a large number of this House, as well as the public generally, found it necessary to change his proposition into a grant of twenty millions, although I had differed from the noble Lord as to that measure in some matters of detail, was I not the first to support the noble Lord in his proposition of the increased vote, and to do all in my power to persuade the House of Commons to sanction it, as a vote essential to the success of the measure, and deeply involving the public honour? During the whole of the years 1833 and 1834, so far from showing any disposition to resume power by a combination with men to whose principles I was more opposed than I was to those of the Government, my constant efforts were directed to maintain that Government against the attacks of opponents more eager for innovation than themselves, and I have ever given them my cordial support and assistance upon every question on which the course of the Government was in accordance with my own principles.

I will now refer to the circumstances which led to my being placed in the position I now occupy. In May, 1834, the Government of Lord Grey lost the services of those of its members in whom the country reposed the highest confidence, and it will be in the recollection of the House that Lord Grey was so sensible of the loss he had sustained from the secession of those colleagues as to resolve upon retiring from the administration himself. When prevailed upon to retain office, Lord Grey re-constructed the Government; but he was fully sensible of the loss which his administration had sustained from the retirement of those who had quitted it, and to whose assistance he had attached the greatest importance. He was also aware of, and felt most strongly, the embarrassments which threat-

ened the Government from what his Lordship called "the pressure from without." In a letter to Lord Ebrington, Lord Grey said—"Founded on the principles of Reform, the present administration must necessarily look to the correction of all proved abuses. But, in pursuing a course of salutary improvement, I feel it indispensable that we should be allowed to proceed with deliberation and caution, and above all, that we should not be urged by a constant and active pressure from without to the adoption of any measures, the necessity of which has not been fully proved, and which are not strictly regulated by a careful attention to the settled interests of the country, both in church and state. On no other principle can this or any other administration be conducted with advantage or safety." Who could doubt that the loss of the four cabinet ministers who seceded on the occasion to which I was referring—Lord Stanley, Sir James Graham, the Earl of Ripon, and the Duke of Richmond—had a material tendency to weaken the authority of Lord Grey's Government, and to shake the confidence of the public in it? However, the Government proceeded, severe as was the shock which it had sustained—but scarcely one short month elapsed, before Lord Grey himself, and those immediately connected with him, Lord Carlisle and Lord Howick, retired from the administration. It was upon that occasion that his Majesty, anxious alone for the public interests, alarmed at these repeated secessions, seeing that they proceeded not from hostile combinations but from internal dissensions or intrigues, expressed an earnest wish that a Government should be formed upon some new foundation, combining men of different parties in the public service. I believe it is no secret that a communication was made by Lord Melbourne, at his Majesty's desire, to the noble Lord (Stanley), the Duke of Wellington, and myself, with this

view. I feel bound to state that Lord Melbourne discouraged the plan, and was not desirous that the negotiation should be entered into, because his Lordship saw no reason to hope that it would end in a satisfactory result. The other parties, too, I must mention, were as little sanguine as Lord Melbourne, that by the means projected, an efficient and permanent administration could be formed at that period. I refer, however, to this transaction, as showing how deeply sensible his Majesty was of the difficulties in which the country was involved, and how anxiously he desired, by every means within his control, to obviate those difficulties. The Government was again re-constructed—re-constructed under the auspices of Lord Melbourne; but I now publicly assert, in the face of Parliament and the country, that the foundation of that Government rested upon the continuance of Lord Althorp as Chancellor of the Exchequer, with the lead of the House of Commons; that the consent of Lord Althorp to resume these functions was the corner-stone upon which the Government of Lord Melbourne was built, and that, had Lord Althorp withheld that consent, Lord Melbourne would not have attempted to form an administration. Let him also refer to the public declaration of Lord Grey as to the importance of Lord Althorp's continuance in office and in the House of Commons. On the 9th of July, Lord Grey said, referring to the communications with Mr. O'Connell respecting the Irish Bill:—"But this new state of affairs deprived me of the assistance of my noble friend, the Chancellor of the Exchequer, the leading member of the Government in the Commons, the individual on whom my chief confidence rested, whom I considered as my right arm, and without whose assistance I felt it impossible for the Government to go on. Former breaches had considerably weakened the Government, this new breach placed it in a situation in

which I could not well hope to retain my place at its head, with any view to serve the Crown or the country for any useful purpose."

Thus, then, it appears that the retirement of Lord Grey was determined by the retirement of Lord Althorp, and that the basis on which the Melbourne administration was founded was this, that Lord Althorp should return to office, and, contrary to his own declared wishes and inclinations, resume the leadership of the House of Commons. The Melbourne Government was thus constructed, but the session, though nearly at a close, did not terminate without a collision between the Houses of Lords and Commons on the Irish Tithe Bill. I will put it to the House whether under such circumstances it was not perfectly natural, on the necessary retirement of Lord Althorp from the Chancellorship of the Exchequer and the lead of the House of Commons, that his Majesty should review the position of public affairs, and should anxiously consider the question, whether he should continue the Government, shattered as it was to its foundation, or seek for an administration constructed on a new basis. Where was the hope that compensation could be found for the successive losses the Reformed Government had sustained—the loss of Lord Stanley—of Sir James Graham—of the Duke of Richmond—of Lord Ripon—of Lord Carlisle—of Lord Grey—and lastly, of Lord Althorp? From what quarter of the horizon could the ray of light and hope proceed? If there were a chance of success it must have been in the single expectation of the consistent and unanimous support which the Government would receive at the hands of those who held extreme opinions on popular questions. But what hope of support had the Government from that quarter? Was it not the fact that to the series of attacks made one after another from that quarter the weakness of the Government was to

be attributed?—Who was the member of the new Cabinet best entitled to claim support from the popular party, and especially from the popular party in Ireland? Was it not Lord Duncannon, named to the office of Secretary of State, from his especial connexion with Ireland? Now mark the indications of gratitude for this appointment, and the prospect that Lord Duncannon had of cordial support from the only party on which he could place a reliance. On the 11th of October last, a month preceding the dissolution of Lord Melbourne's Government, the hon. and learned member for Dublin addressed a letter to Lord Duncannon, having for its motto, "Hurrah for the Repeal!" and the authority given for the motto was "Wild Irish Cry." The following is an extract from that letter:—"My Lord—I write more in sorrow than in anger—more in regret than in hostility. It is true that you have deceived me—bitterly and cruelly deceived Ireland, but we should have known you better. You belong to the Whigs, and after four years of the most emaciating experience we ought, indeed, to have known, that Ireland had nothing to expect from the Whigs, but insolent contempt, and malignant but treacherous hostility." This, it might be supposed, was an ebullition of ardent and heated eloquence, delivered under circumstances of strong excitement; but no, it was no such thing—it was written from the hon. and learned Gentleman's calm retreat at Derrynane Abbey, and when the hon. and learned Gentleman was in the most tranquil vein possible. The hon. and learned Gentleman said so himself. "It is," continued the hon. and learned Gentleman, "my duty tranquilly but firmly to declare to the people of Ireland that they have nothing to expect from you; that you are as deeply steeped in the old system of misgovernment as if you never proclaimed liberal principles, and that we must have a change of men before we have any chance of a

change of measures. Still I do confess I have arrived at this conclusion with regret. I feel nothing of the passion of anger; I cherish no hasty or violent resentment. But I do feel strongly the impulses of that duty which commands me to struggle unremittingly to procure for Ireland a domestic legislature, where, and where alone, a sympathy between the Irish and their rulers can originate and be fostered." So much for the opinions of the hon. and learned Gentleman respecting the constitution of the Melbourne administration and Lord Duncannon, whom the hon. and learned Gentleman had at first hailed as a most popular acquisition to that ministry. The House will see that, according to the hon. and learned Gentleman's own showing, no change of men could possibly prejudice the interests of Ireland, that the Melbourne Cabinet was so bad that even the present was far preferable to it, and that the hon. Gentleman himself was bound therefore to give it at least comparative support.

And now for the hon. and learned Gentleman's opinions as to individuals connected with the Melbourne administration. In the same letter from which I have just quoted, the following passages occur:—"Of what value is it to Ireland that Earl Grey should have retired, if he has left to his successors the same proud and malignant hatred he appeared to entertain towards the Irish nation? Are the representatives of that sentiment predominant in the Cabinet? I know that—(can I believe my eyes when I read it?)—that Lord John Russell cherishes feelings of a similar description. Ireland, in the unjust and disgraceful scantiness of her Reform Bill, felt, deeply and deplorably felt, that hostility." With regard to Lord Melbourne, the hon. and learned Gentleman said, "I know, and everybody knows, that Lord Melbourne wants sufficient powers of mind to be able to comprehend the favourable opportunities

afforded him to conciliate the popular party—that is, emphatically, Ireland. In plain truth, my Lord, it is quite manifest that Lord Melbourne is utterly incompetent for the high office he holds. It is lamentable to think that the destinies of the Irish people should depend in any degree on so inefficient a person.” Next came Lord Lansdowne, of whom the hon. and learned Gentleman said—“ Lord Lansdowne, too, is hostile to Ireland, with a hatred the more active and persevering, because he is bound by every obligation to entertain diametrically opposite sentiments.” —I will trouble the House with but one quotation more from this deliberate and tranquil letter of the hon. and learned Gentleman to Lord Duncannon:—“ On this account, then, I repeat the chorus of that song called ‘ The Wild Irish Cry,’—‘ Hurrah for the Repeal.’ You are a much better repealer than I am. Your conduct and that of your colleagues has made more of the people inveterate for Repeal than any arguments or exertions of mine could possibly do. Continue to govern Ireland under the special guidance of ‘ the sage father of all the Hannibals,’ and you may possibly see the Bench—but no, that is ground too sacred to be touched in public—but you will see Ireland sufficiently strong to laugh to scorn every malignant enemy, whether Whig or Orange Tory.” Thus had the hon. and learned Gentleman disposed of Lord Duncannon, Lord John Russell, Lord Lansdowne, Lord Plunkett, and lastly, Lord Melbourne himself. Was it not then clear to demonstration that the Melbourne Cabinet had not the faintest hope of support from that party on which its main reliance for support must have been placed ?

Let me then again ask, whether it was unnatural or unreasonable for his Majesty, in considering the component parts of that administration and the prospect of its being able to maintain its ground, weakened as it had been by

the loss of the most powerful members of the Grey Government, and further embarrassed by the recurrence of that event which had caused Lord Grey's retirement, and would have prevented Lord Melbourne from forming any administration at all, namely, the resignation of Lord Althorp and his removal from the House of Commons,—let me, I say, ask whether it was at all surprising that his Majesty should doubt the propriety of continuing the reins of government in the hands of men who, three months before, rested their exclusive hope of success on the aid of Lord Althorp?

I have already stated that I was no party in the remotest degree to the removal of the former Government, never having either advised or even contemplated it; yet I feel that the acceptance of office did impose upon me a full share in the responsibility which my noble friend (the Duke of Wellington) had contracted. I am now here to answer for that responsibility. If my noble friend has acted unconstitutionally—if my noble friend has done any thing wrong in his assumption of the Government—I, by my subsequent acceptance of office, have contracted in an equal degree the responsibility thus incurred. It was said, that it was a most grievous crime and a dangerous precedent for any one man to monopolize so many offices. My first answer to this assertion is, that there is nothing unconstitutional in a man holding two offices, and that the propriety of their tenure depends upon the state of public affairs, and the intention with which they are accepted. The Duke of Wellington, it is true, has held the offices of First Lord of the Treasury and of Secretary of State for the Home Department, and had the power, in the last capacity, of performing all the duties connected with either the Foreign, Colonial, or Home Offices. The delivery to him of the seals of the Home Office conferred upon him the right to exercise all the functions of

the other two departments,—the right to advise the Crown on foreign and colonial matters—imposing, of course, all the responsibility which might attach to such advice. There may be inconvenience from the assumption of all these powers by one individual, but such an assumption is not unconstitutional. It is the constant practice that the secretary of one department acts for the secretary of another, during intervals of recreation, or periods of sickness; but I will not rest the defence of my noble friend on any ground so narrow. My noble friend assumed the double offices from the purest motives,—from his conviction that it was necessary for the public service. He assumed them, not with the intention of arrogating to himself the supreme powers of the state, but for the express purpose of mere temporary occupation, with a view to deliver up those powers in their full integrity to another. The noble Lord (the member for Yorkshire) has stated that this assumption was perfectly new in the history of this country, and has said, (I believe I have taken down the noble Lord's words correctly,) that if there should be an old Whig of the Rockingham school now alive, the hair of that old Whig would stand on end on hearing that one man had assumed two such offices as those of Secretary of State and First Lord of the Treasury. But I shall show that, in the good times of the Whig predominance, an instance occurred when an assumption of equal powers took place in order to defeat the Jacobite party, and to obstruct the views of the pretender. The noble Lord is well read in history, and doubtless remembers the events which occurred at the close of the reign and of the life of Queen Anne. The noble Lord will perhaps recollect that a short time previously the Earl of Oxford had been removed from power, and that Lord Bolingbroke speculated upon the assumption of supreme authority, and the means of constituting a government consonant with his own views. The his-

torian thus narrates the circumstances under which one individual did assume many high trusts, for the purpose of defeating the principles of the Tories and the views of the Jacobite party. "Lord Bolingbroke employed this awful interval (the sickness of the Queen) in regulating his political arrangements, and the most alarming apprehensions seized upon all the true friends and well-wishers of the country. The Whigs, however, were not inactive, the indisposition of the Queen increased, and the committee of the Privy Council, sitting at the palace of Kensington, began to make prompt and effectual arrangements. The Duke of Shrewsbury was present, and saw the crisis had now arrived when a decisive course must be adopted, aided by the support of the Hanoverian party. The Dukes of Argyll and Somerset entered the council chamber, and the post of Lord Treasurer was filled up, the council recommending to the Queen the Duke of Shrewsbury as the fittest person for that office. The Queen delivered to him the white staff, desiring him to use it for the good of her people. The same afternoon, Lord Somers shook off his bodily infirmities, and repaired to Kensington, accompanied by several privy councillors of his party. The Duke of Shrewsbury desired to return to the Queen the Lord Chamberlain's staff, but she directed him to keep both, so that he was possessed at one and the same time of three of the greatest posts in the kingdom, namely, those of Lord High Treasurer, Lord Chamberlain, and Lord Lieutenant of Ireland." Was there a whisper of objection to this on the part of Whig authorities? Did Lord Somers denounce the act as unconstitutional? On the contrary, he sanctioned it by his presence? It was the urgency of the crisis—it was the intention of the act that vindicated it, and extracted all the danger from the precedent. Apply the same principle to this case. The Duke of Wellington was offered the situation of prime

minister at a time of great difficulty. He believed it to be more advantageous to the interests of the King and of the country, that that post should be occupied by another person, and that person was not in England. The noble Duke stated in his letter to me, that he had advised the King to send for me as his Majesty's prime minister, and that he had determined to assume certain offices himself, because he thought nothing would be so unfair as to ask me to take upon myself the management of an administration, the whole of which had not been left to my formation, and further that, if he appointed other individuals to exercise the high duties of those offices, I might probably be under an embarrassment in advising the King to remove them. It was to obviate such an embarrassment and difficulty, and to leave the appointments to myself unfettered, that the Duke of Wellington thought it better for the Crown, and fairer to me, to make an arrangement in its nature and character temporary. So much for that question.

I now come to the subject of the dissolution of the late Parliament. I have been asked whether I take upon myself the responsibility of that proceeding, and without a moment's hesitation, I answer, that I do take upon myself the responsibility of the dissolution. The moment I returned to this country to undertake the arduous duties now imposed upon me, I did determine that I would leave no constitutional effort untried to enable me satisfactorily to discharge the trust reposed in me. I did fear that, if I had met the late Parliament, I should have been obstructed in my course, and obstructed in a manner, and at a season, which might have precluded an appeal to the people. But it is unnecessary for me to assign reasons for this opinion. Was it not the constant boast that the late Parliament had unbounded confidence in the late Government? And why should those, who declare they are ready to condemn me

without a hearing, be surprised at my appeal to the judgment of another, and a higher, and a fairer tribunal—the public sense of the people? Notwithstanding the specious reasons which have been usually assigned for a dissolution, I believe it will be found that, whenever there has occurred an extensive change of Government, a dissolution of Parliament has followed. In the year 1784 a change took place in the Government; Mr. Pitt was appointed to the office of prime minister, and in the same year a dissolution took place. Again, in 1806, when the administration of Lords Grey and Grenville was formed, the Parliament, which had sat only four years, was dissolved shortly after the assumption of power by those noblemen. On that occasion it was urged, that, a negotiation with France having failed, it became necessary to refer to the sense of the country; but I never will admit that the failure of the negotiation with France could constitute any sufficient grounds for the dissolution of a Parliament, which there was not the slightest reason to believe to be adverse to the continuance of the war, or dissatisfied with the conduct of the negotiation. In the year 1807, another change took place in the Government, by the accession of Mr. Perceval to power, and there again a dissolution immediately took place. In the year 1830, Earl Grey was called into office as prime minister, and, shortly after the vote in committee on the Reform Bill, the Parliament, which had been elected in 1830, was dissolved in 1831. Hence it appeared that, in the cases of the four last extensive changes in the Government, those changes had been followed by a dissolution of the then existing Parliament. The present, however, I believe to be the first occasion upon which the House of Commons has ever proceeded to record its dissatisfaction at the exercise of the prerogative of dissolution.

I have been told, and indeed it has been implied in the

course of this debate, that, although I might have been no party to the dismissal of the late ministry, and although I was utterly ignorant of the intention to dismiss it, I ought to have advised the throne to recall the Government of Lord Melbourne, and that I should have considered myself disqualified from undertaking the Government of the country. The whole ground of objection to my possession of power is this, that, in consequence of the revolution in power which has taken place, and of the necessity of acting in the spirit and on the principles of the Reform Bill,—I am unfit for power, and therefore ought to have declined it. But I have never considered the Reform Bill to be a machine, the secret springs and workings of which were known only to those by whom it was constructed, or that its effect was to be the exclusion of any portion of the King's subjects from the service of their sovereign. No sacrifice of principle was required of me by the King; on the contrary, I was desired to form an administration, such as seemed to myself best for the public service, and to adopt such measures as I conceived most likely to advance the public interests; and I will, therefore, ask any man outside the walls of Parliament, and free from the contagion of party, whether he would not entertain a mean opinion of me, had I, under such circumstances, said to the King,—“I feel for your difficulties, but I decline your service; I never can propose measures that will satisfy the House of Commons, and I therefore advise you to resort to some other quarter for assistance.”

It has been urged against me, that I and those with whom I have acted in the Commons' House of Parliament were at constant variance with the reform governments of Earl Grey and of Lord Melbourne, and that we have contended against those administrations which were assumed to have been supported by the unanimous voice of reformers.

Upon this head there has been much declamation. Declamation is certainly more captivating than facts; but facts are a little more conclusive as evidence, and I will refer to certain notorious facts—facts upon record—for the purpose of deciding the question whether or not I have acted, as it has been alleged, in constant opposition to the reform governments, and in continued hostility to the united body of reformers. I reject with scorn the doctrine, that because a public man resisted the Reform Bill—resisted a great change in the balance of political power, and in the constitution of the governing body—he must be placed under a ban of perpetual exclusion—denounced as an alien from the institutions of his native land, and disqualified for public service as the patron of corruption and abuse. This convenient doctrine is founded on the assumption that the House of Commons, since the passing of the Reform Bill, has been divided into two parties—the advocates and the opponents of the reforming government. A reference to facts will show that such is not the case, but, on the contrary, that I, an anti-reformer, so far as the constitution of the House of Commons is concerned, have been the supporter of the Government, and that it is the reformers themselves who have opposed them. To establish the truth of this, I will review the principal domestic questions which have been discussed since the first meeting of the reformed Parliament in February 1833. On the meeting of that Parliament, an amendment was moved on the Address—the “bloody and brutal address,” as it was called by the member for Dublin. The Government resisted that amendment; I supported them, and was one of a very large majority. On the first reading of the Disturbances (Ireland) Bill, the Government were opposed by many, but I supported them. Next came Mr. Attwood’s motion on the subject of the general distress; there I supported the Go-

vernment. So also on Mr. Harvey's motion relative to the publication of the list of divisions; on Mr. Grote's motion upon the vote by ballot; and on Mr. Ripon's motion for the exclusion of the bishops from the House of Lords. The Government opposed also the repeal of the malt-tax, and I lent them my assistance. On the motion for the alteration of the corn laws, and for a substitution of a property tax in lieu of the duties on malt; on the grant of pecuniary relief to the Irish clergy; on Mr. Tennyson's motion for the repeal of the Septennial Act; on Mr. Harvey's second motion upon the pension list; on Sir William Ingilby's resolution for the reduction of the malt duties; on Mr. Buckingham's proposition relative to impressment; on Mr. Hume's motion on the corn laws; on Lord Althorp's proposition with respect to the church rates; on Mr. O'Connell's motion for the repeal of the Union;—on every one of these occasions I have found myself in close connexion with the Government, and lending them my most earnest and zealous assistance and support. Now take the other side of the account. I have differed from the Government on the question of the admission of Dissenters into the Universities; and I had also the serious misfortune to differ from them on the motion for a committee for inquiring into the conduct of Baron Smith. I voted also against them on the question of the Irish Church Temporalities, and against Lord Althorp's proposition to make Bank-notes above the value of £5 a legal tender. Now strike the balance. Look at the questions on which I have supported, and those on which I have opposed the reform Government—compare their number, compare their relative importance, and then decide—whether I or the ultra-reformers were the parties differing most in views and principles from the Government of Lord Grey.

At the same time I feel it my duty to declare, that I will

not try to conciliate the support of the House by any false professions. After the passing of the Reform Bill, I saw that a great change had taken place; that there had been a complete revolution in the possession of power, and that necessarily there must be, on the part of public men, who mean honestly by their country, a spirit of accommodation in their public course to the altered circumstances of Government. I, however, cannot say that I intend in power, or as a condition on which to retain power, to adopt any course differing in principle from that which I pursued in opposition, subsequently to the passing of the Bill of Reform. On questions in which I opposed the late Government, I intend still to maintain the principles which actuated that opposition. I do not mean to vote for a compulsory obligation on the Universities to admit Dissenters within their walls, but will leave that question to be determined by the Universities themselves. I also intend to maintain the same principles on which I acted with reference to the Church Temporalities Bill, and I will not consent to the diversion of ecclesiastical property to other than ecclesiastical purposes. If I differ from the majority of the House, I regret it; I differ from them with respect, but I will not make the sacrifice of my opinions on the two points to which I have referred, for the purpose of gaining their favour or their support. I am no apostate; I am not deviating from any principles which I have ever professed. The rule of my conduct in office will be that which I have taken for my rule out of office, to make no sacrifice of public principle, but at the same time not to stand in fruitless opposition to the operation of changes in our institutions, the making of which I certainly deprecated, but which, when made, I was among the first to recognise as final and irrevocable.

I hope that the House will allow me to take a view of

the measures indicated by the King's speech, as those hereafter to be proposed by the Government, and to afford the House the explanation respecting them which has already been required of me. I am afraid that I am trespassing on your attention at a length which may become wearisome to your patience, but I trust that you will make allowance for the situation in which I am placed, and that your possible disinclination to hear me as a private individual will not apply to me as a minister of state. The first point noticed in the King's speech is our relations with foreign princes and states. The Government declare their earnest desire to cultivate the relations of amity with them. The Government state that they entertain confident expectations of being able to maintain the blessings of peace. They already perceive a tendency to increased confidence in the British ministry, on the part of some of the great powers of Europe, and that confidence has been manifested by the commencement of reduction in the military establishments of two of them. I allude to the fact, that Austria and Prussia have both begun to reduce their military force—the one in her Italian, the other in her Rhenish provinces. It has been argued on the other side that it was an ill omen, a positive evil, that the military Governments of the Continent should have any confidence in the ministry of England. There might be some foundation for this, if the ministers had contracted any engagements with those Governments, which could bind them to depart from the true principles of British policy and from their disinclination to interfere with the internal affairs of other countries. We have contracted no such engagements, but we are proud of the confidence of foreign powers, and wish to maintain their good will. And I must say, that nothing is more unfortunate than the course occasionally pursued in this House of loading with personal obloquy

and the severest vituperation those who possess the chief authority in countries whose cordiality it is our interest to cultivate, even though they are governed by institutions less free than our own. What inconsistency is there in maintaining the principles of a free representative government, and yet, disregarding the difference of our institutions, in cultivating friendship with despotic powers? It would be well if those gentlemen who profess liberal principles would imitate the example of a country with institutions more liberal even than our own—I mean the United States, which sees no inconsistency and no dereliction of principle in courting the most friendly relations with foreign states, without troubling itself about their forms of government. What advantage is there, I would ask, in alienating foreign sovereigns from us by reflections which irritate their feelings, but do not diminish their power, and which prevent us from exercising a friendly and salutary influence over their counsels? But it is said that this increasing confidence in the British Government on the part of certain foreign powers must be owing to our alienation from our powerful neighbour and ally—France. Why should that suspicion be entertained against the present Government? Who was the first to confirm the nascent power of Louis Philippe by an unhesitating acknowledgment of it, but the Duke of Wellington? Why should this Government view with jealousy the increasing prosperity of France? Why should it repine at advances in improvement, which re-act upon our own welfare, or entertain a lurking feeling adverse to the maintenance of that cordial good understanding with France, on which, in my conscience I believe, the peace of Europe mainly depends.

The next point noticed in the King's speech is the necessity of economy. Ministers state the fact, that the estimates of this year will be the lowest that have been

known since the peace of 1815. The fact being so, they have stated it, but not with an invidious comparison between their acts and those of the former Government. They claim not this reduction as their exclusive credit. They wish it to be shared with the Government which preceded their own; and as that Government, in its financial statement, had the liberality to admit the economy enforced by the Duke of Wellington in his former administration, so the present Government, in its estimates, has the liberality to admit that it is only continuing to act in furtherance of the economical principles enforced by the preceding Government. But, at any rate, the statement of this fact is an answer to those who said that the appointment of a Conservative Government would lead to increased expense in all our establishments. Comparing the estimates of the present year with those of the last, I entertain a confident hope that it will be possible to make a reduction, consistent with the due execution of the public service, to the extent of 500,000*l*. For that ministers claim not the exclusive credit—it arises less from the reduction of establishments than from the enforcement of those wise principles of economy which were first laid down by the Duke of Wellington, and afterwards adopted by the late administration.

I will now shortly advert to the measure for the abolition of slavery. There has been an impression that the success of that great measure would be impeded by the elevation of the present ministry to power. It is true that we have not cherished the sanguine expectations respecting its eventual success that have been entertained by many honourable Gentlemen on the other side of the House; but this I will say, that if ever men were under a moral obligation to be scrupulous in promoting the success of any great measure of philanthropic benevolence, the present ministers are under that obligation, for the very reason that they have

been less sanguine than its authors. And what has been the practical course which ministers have pursued respecting it? So far have they been from seeking any advantage from the patronage of the different appointments in the colonies, that their first resolution has been to continue in their posts all the governors appointed under the late administration. Those governors being appointed by that administration, are cognizant of its intentions, and are therefore, probably, the best instruments for carrying those intentions into effect. Lord Sligo, for instance, is the governor of Jamaica. The first thing which Lord Aberdeen did, upon his appointment to office, was to write to that noble Lord, and to request him to remain in his situation, as he was cognizant, from personal communication, of the views and feelings of the late Government. The present Government have sent out additional magistrates to some of the colonies, (the only instance in which they have incurred expense without the knowledge of Parliament,) but they have not hesitated to undertake the responsibility of such a proceeding, as the object of it is to further the success of that great measure for the abolition of slavery.

It has been said by honourable gentlemen on the other side, that the speech from the throne is in its terms vague and inconclusive; that it is couched, as usual, in indefinite language; and that it leaves Parliament uncertain as to what is to be done. Now, of all the speeches which have ever been delivered from the throne, it does appear to me, that this is the most precise as to the intentions of the Government, and the measures which it contemplates. I wish the House to recollect, that I returned from the continent on the 10th of December, and that I am now speaking on the 24th of February. It was no slight labour in the interim to constitute a ministry, and to give the requisite

consideration to such measures as are announced in the speech from the throne. Among the first of them, in point of urgency, is the state of the tithe question in Ireland. Government will propose a measure for its final and equitable adjustment. For the commutation of tithe in England and Wales, Government is also prepared with a measure. For the administration of justice in ecclesiastical causes, it is intended to adopt a Bill, founded on the report of the commissioners appointed by the former Government of the Duke of Wellington; a bill, of which, subsequently, the right honourable member for Cumberland was the chief promoter; a bill which will destroy all petty ecclesiastical courts, and appoint supreme courts for the cognizance of ecclesiastical causes. Government also propose to make provision for the more effectual maintenance of ecclesiastical discipline—a provision which will enforce episcopal authority, not over the laity, but over the clergy, and check, if not entirely prevent, those cases of scandal which occasionally occur, but the punishment of which is dilatory and ineffectual. His Majesty's ministers intend also to propose a measure which will relieve those who dissent from the Church from the necessity of celebrating marriage according to its rites. I have been asked, "Is that all you intend to do for the Dissenters? You may relieve them from that grievance, but do you leave all their other grievances undressed?" Now I must remind these objectors, that great importance has been attached by the Dissenters to the redress of this very grievance. It is no new point that I have taken up. The noble Lord opposite has failed before me; and the first point to which I gave my attention on my return to power, was the mode in which I could fulfil most satisfactorily the expectations of the Dissenters on this subject. It has been objected, that there is no mention in the King's speech of any measure for establishing a general

registry of births and deaths. That is a subject full of difficulties, which I am occupied in considering and attempting to surmount; and it is not the practice of the Crown to refer in the speech from the throne to measures, until their details are all settled. Now, the consideration of these measures has occupied more time than it was almost possible to devote to them, consistently with due attention to the general business of the state. Any measure for establishing a general registry of births will require long and mature deliberation. I candidly confess, that I am not at present ready with all the details of such a measure. I have not, however, any objection to the principle of it. Such a measure, when well matured, will be of great advantage to the public at large, as supplying valuable statistical information, and affording better means than any that now exist for establishing titles to property. But we are too apt to expect that we can in every case combine the advantages and facilities possessed by despotic governments with those of free institutions. It may be easy in Prussia or Austria to impose a penalty on any man who has a child born to him, and who neglects to register its birth within a given time. I doubt, however, whether such a regulation would be at once practicable and satisfactory in this country. On this subject I will at once avow my opinion, that I wish to see the registry of births and deaths, the registry, that is, of facts, as well as of religious rites, still in the hands of the ministers of the Church; first, because I think them the most competent to keep such a registry, and secondly, because a single registry for all classes of the King's subjects would prevent much trouble and expense in ascertaining facts connected with birth or death.

Then, I am told that on the subject of Municipal Corporations the speech is still more vague and inconclusive. On that point I will appeal to the candour of the House.

A committee was appointed by that House to inquire into the state of Municipal Corporations. That committee, of which the present Speaker was chairman, made certain inquiries. It found that it had not sufficient powers to conduct the inquiry satisfactorily, and it recommended the appointment of a commission to conduct it. On his recent appointment to office, a right hon. friend of mine wrote to the municipal commissioners for the information which they had collected, in order to enable the Government to consider their report, to weigh the evidence which they had brought together, and to examine the suggestions which they had proposed. I can have no reserve with the House, and it will, perhaps, be satisfactory to it to hear the answer of the commissioners. It was dated the 27th of January, 1835. The commissioners state that their inquiries are now complete; that 298 municipal corporations have been visited by them; that 241 reports have been sent in, that 182 have been printed; but that the remainder were at that time unfinished. The commissioners further intimate, that they cannot state when their general report will be ready, but they express a hope that it will be finished in the month of February. They likewise declare, that it was not their intention to present a partial report on any branch of the subject, unless they are specifically required so to do. Under such circumstances I contend that it would have been contrary not only to the practice usually adopted in such cases, but to the respect due to a commission appointed by the Crown, if the Government had indicated in the King's speech any definite measure of Municipal Reform. What would be the use of the commission, if, in the very month in which it is proposed to produce its report, Government, without even waiting to look at it, came forward with a measure of its own upon the subject? The report made by the committee of the House of Commons, of which their Speaker was the

chairman, on the subject of these municipal corporations; contains the following words. After expressing a decided opinion that a further and searching inquiry should be made, with a view to the adoption of a sufficient remedy, they say—"Having come to this conclusion, your committee are not enabled to offer any final suggestions as to the remedies which ought to be adopted; and, being further of opinion, that, from the defective nature of their inquiry, even those cases which they have examined ought to be subject to further scrutiny, they have thought it desirable, with very few exceptions, to abstain from pointing out particular defects, or animadverting on individual testimony, while there is a possibility that a different colour may be given to the case by future investigation." Is not this very passage a conclusive reason for suspending a judgment as to any specific practical measure. An hon. gentleman has asked me, and insisted upon having an answer to his question, whether ministers intend to give the ten-pounders, as they are called, the power of electing to all offices in those corporations? Now to that question I must reply, that, until I have had an opportunity of reading the report, and the evidence founded upon it, it would not be consistent with my duty to pledge myself as to what I will do upon any given point. If they were to ask me whether I had any conceivable interest in maintaining the abuses of corporations, or any prejudice in their favour, I would reply at once that I have no such interest, and no prejudice that will prevent me from giving a fair consideration to any plan for their amelioration. I would go the full length to which the Government of Lord Grey went in the speech which they advised the King to make, after the appointment of the commission, but when, as at present, its inquiries were incomplete. The speech from the throne in the commencement of the session of 1834, when Earl

Grey was minister, contained these expressions :—" Many other important subjects will still call for your most attentive consideration. The reports which I will order to be laid before you from the commissioners appointed to inquire into the state of municipal corporations, into the administration and effect of the poor laws, and into Ecclesiastical revenues and patronage in England and Wales, cannot fail to afford you much useful information, by which you will be enabled to judge of the nature and extent of any existing defects and abuses, and in what manner the necessary corrections may, in due season, be safely and beneficially applied." I am prepared to adopt every word of that speech. I would go the full length of it, and why should I be required to go farther? I am not prepared to name any definite measure on the subject at this moment, but I will give to the suggestions of the commissioners every fair consideration. I will not, however, to conciliate a vote on this occasion, do that which is not only contrary to all usage, but also to my sense of what is the duty of a minister of the Crown.

I have been told that, in the speech from the throne, not the slightest reference has been made to the subject of church rates. It is well known that I supported the measure brought in by the late Government for the transfer of the church rates to the public revenue. That measure met with great opposition from the Dissenters. I, for one, cannot agree to the extinction of church rates. I think that there is an obligation on the state to provide for the repair of churches, but I also think that the charge of providing for that repair bears very unfairly on the land, and that subject is one which I had in view when in the King's speech reference was made to "a method for mitigating the pressure of those local charges which bear heavily on the owners and occupiers of land, and for distributing the

burden of them more equally over other descriptions of property." An interpretation has been put upon that paragraph, which was by no means intended. No new mode of general taxation is meant by it. It has a special reference to the report of the committee of last session on county rates, and to the relief of the agricultural interest from certain local burdens of which the church rate is one.

I next come to that part of the King's speech which relates to the church commission appointed by Government. The subject into which it has to inquire is extensive and complicated, and I cannot promise the House to bring forward a measure upon it at a very early period. I will, however, tell the House what I have already done. On the vacancy of the first of those appointments in the Church which are usually called—I will not say rightly or wrongly—sinecures, I advised the Crown to make no appointment to it, but to allow all the circumstances connected with it to be considered by the church commission. The appointment to which I allude is a prebendal stall at Westminster of the value of £1,200 a year. I mean to take the same course in regard to every other ecclesiastical benefice of the same class that may fall vacant; that is, I will not fill them up for the mere sake of patronage, but will refer each to the consideration of the commission. Now, what is the practical course that has been adopted with regard to this prebendal stall? It has been found that in the neighbourhood of Westminster Abbey, dependent on its chapter, are two parishes, St. Margaret and St. John, with a population of fifty thousand souls. In the first-named parish there are twenty-eight thousand and only one church; and it is an evident fact, that one minister must be inadequate to the due discharge of the duties of such a parish. The Government has advised the commission to attach the stall to that living, making it a condition that additional spiritual in-

struction shall be provided for the parishioners. There is no house belonging to the minister of St. Margaret's. It is proposed to constitute the parish into a rectory, and to attach the prebendal house as a residence for the rector. This is the course which, on a future similar occasion, Government intends to pursue with regard to St. John's parish ; and I hope that, if any delay shall occur in calling for legislative interference on this point, it will not be supposed that that delay is intended to defeat the object of the commission, but that it is required solely for deliberate consideration. I have not advised the Crown to appoint the ecclesiastical commission with any view to popular favour. I would not make the slightest sacrifice of the interests of the Church to obtain such favour. I have advised the commission for the single purpose of increasing the opportunities for divine worship, according to the forms of the Church of England, and of confirming and extending its legitimate influence among the people.

These are the general measures of government, the indication of which is to be found in the speech from the throne. They are measures which, with the least possible delay, will be submitted to the consideration of this House. In rivalry to the address, an amendment has been proposed ; and if the address is vague and inconclusive, the amendment is at least equally open to the same objection. It indicates no measure—it only states the hope of the House that the same principle which restored to the people the right of choosing their representatives, and which caused the Bill to pass for the abolition of slavery, will be seen in the promised church reform, and place our municipal corporations under vigilant popular control. What can any one collect from such an amendment ? What pledge is implied by a declaration, that the same principle which abolished slavery should improve a corporation ?

Is it not evident that the amendment was produced with some other view than its professed one? Is it not evident that the framers of the amendment are afraid to recognize in it those measures which are called measures in the spirit of the Reform Bill; but in respect to which—to every one of which—they know that a difference of opinion exists among their own party? Why have they not inserted a word about the ballot? Why not a word about the repeal of the Septennial Act? Why not a word about the pension list? Why not a word about the repeal of the Union? They know that, on all those measures, being the very measures which have chiefly occupied public attention, there is not one on which they can express unity of sentiment. No, they must go back a distance of three or four years to find some point of common agreement—to the time when their party was united on the question of the abolition of slavery, and on the Reform Bill. They select the questions which are practically decided—which all the world admits to be finally disposed of—but the unsettled questions they dare not advert to. They shrink from a reference to the ballot, the Septennial Bill, the pension list, and the extension of the suffrage. They try to conceal their present differences, and dwell with vain regret on sympathies that once existed, and on agreements that can never be recalled—

*“ Quo desiderio veteres revocamus amores !
Et dudum amissas flemus amicitias !”*

Oh, the time of their union and sympathy is now gone by. On this very evening, from ten different quarters, have notices been given of motions for carrying further the principles of the Reform Bill; but they shrink from the expression of any opinion on those motions in the amendment, because they know that this would lead to an open rupture amongst

them. No, the amendment is proposed for the sake of involving in difficulty the noble Lord (Stanley) and his friends near him, who, because they concurred in supporting the Reform Bill and the Bill for the Abolition of Slavery, might, it was hoped, be caught in this trap, so insidiously prepared for them—the trap of compliment to measures in which they concurred, and of which they were the most prominent promoters. I feel confident of this, that those whom the amendment endeavours to embarrass will have the firmness and good sense to see what is now the real question at issue. We know that this amendment is a mere superfluous eulogium on the Reform Bill, and on that for slave emancipation. If hon. gentlemen on the other side of the House ask whether I recognise those measures as measures which I should now support? I answer plainly—Yes. But if they ask me further, if I mean to act on the principles involved in them, I will refer to their own party-struggles of the last two years, and will tell them that they themselves do not know what those principles mean. I will not say, whether I concur in the remainder of this amendment. It was drawn up, I have no doubt, intentionally, in such a manner that I could not comply with it. I know not what is meant by the phrase, “remove all the undoubted grievances of the Protestant Dissenters.” Is this intended to exclude the grievances of the Roman Catholics? If so, my measure of relief, in respect to marriage, will go beyond that of the framers of the amendment. I request them not to hamper me, and tie up my hands by their foolish amendments—not to restrict my measures of intended liberality, and compel me to confine what I mean for the relief of all to the case of Protestant Dissenters. As to that part of the amendment which speaks of correcting those abuses in the Church that impair its efficiency in England, disturb the peace of society in

Ireland, and lower the character of the Establishment in both countries, notice has been given of a direct motion on the subject. The words imply not that the tithe question, but that the Church of Ireland, disturbs the peace of Ireland. Now, this great question ought not to be disposed of by a vague and general resolution. I will frankly avow my determination not to accede to the amendment. Indeed, I could not accede to it without implying willing degradation on my part. I know the responsibility of the duties which I have recently taken on myself; but I will persevere in their discharge, because I fear the impossibility of constructing a Government which could have stronger claims on the confidence of the public than the present. While any difference of principle remains as to the mode of dealing with the Church of Ireland, it will be a difficult task to reconstruct the Government of Lord Grey. Indeed, no Government can be formed without a selection of individuals from each of those numerous parties which, though they are now acting in concert, were but a few short months ago, and may be in a few short weeks again, in bitter hostility to each other. Take the question of repeal of the Union with Ireland. Are there no differences of opinion on that point, which will prevent any lasting junction with the party by which the question is advocated?

The hon. and learned Gentleman (Mr. O'Connell) has constantly proclaimed that no consideration could induce him to accept office under any Government that did not consent to repeal the Union. But he now seems disposed to wave his scruples, and to consent to the cares of office, foreseeing the formation of a Government, two-thirds of the members of which are according to him to be radical reformers. Suppose he is right in his anticipations. Suppose a Government to be formed, purified, as they call it, from Lord Grey, from the noble Lord (Stanley,) and

their friends, relieved of the incumbrances which are said to have obstructed the march of Reform—what prospect is there that such a government will be able to conciliate the good-will of the intelligence, the property, the respectability of this country? You may try to overcome such obstacles; you may resort to the convenient instrument of physical force; but you will signally fail, and yourselves will be the first victims of the agent whose alliance you have invoked, but which you cannot control.

With such prospects, I feel it to be my duty—my first and paramount duty—to maintain the post which has been confided to me, and to stand by the trust, which I did not seek, but which I could not decline. I call upon you not to condemn before you have heard, to receive at least the measures I shall propose, to amend them if they are defective, to extend them if they fall short of your expectations, but at least to give the opportunity of presenting them, that you yourselves may consider and dispose of them. I make great offers, which should not lightly be rejected. I offer you the prospect of continued peace—the restored confidence of powerful states, that are willing to seize the opportunity of reducing great armies, and thus diminishing the chance of hostile collision.—I offer you reduced estimates, improvements in civil jurisprudence, reform of ecclesiastical law, the settlement of the tithe question in Ireland, the commutation of tithe in England, the removal of any real abuses in the Church, the redress of those grievances of which the Dissenters have any just ground to complain. I offer you these specific measures, and I offer also to advance, soberly and cautiously it is true, in the path of progressive improvement. I also offer the best chance, that these things can be effected in willing concert with the other authorities of the state—thus restoring harmony, ensuring the maintenance, but not excluding the

reform (where reform is really requisite) of ancient institutions.—You may reject my offers—you may refuse to entertain them—you may prefer to do the same things by more violent means ; but if you do, the time is not far distant when you will find that the popular feeling on which you relied has deserted you, and that you will have no alternative but either again to invoke our aid—to replace the Government in the hands from which you would now forcibly withdraw it,—or to resort to that “pressure from without,” to those measures of compulsion and violence, which, at the same time that they render your Reforms useless and inoperative, will seal the fate of the British Constitution.

ON THE RUMOUR OF A DISSOLUTION OF PARLIAMENT.

March 2, 1835.

On the 24th of February an Address in answer to his Majesty's speech was moved in the House of Commons by Lord Sandon and seconded by Mr. Bramston. Lord Morpeth moved an amendment, which consisted in the insertion of the following words :—

“To assure his Majesty, that his Majesty's faithful Commons acknowledge, with grateful recollection, that the act for amending the representation of the people was submitted to Parliament with his Majesty's sanction, and carried into a law by his Majesty's assent ; that, confidently expecting to derive further advantages from those wise and necessary measures, we trust, that his Majesty's councils will be directed in a spirit of well-considered and effective Reform ; and that the liberal and comprehensive policy

which restored to the people the right of choosing their representatives, and which provided for the emancipation of all persons held in slavery in his Majesty's colonies and possessions abroad, will, with the same enlarged views, place, without delay, our municipal corporations under vigilant popular control, remove all those unfounded grievances of the Protestant Dissenters, and correct those abuses in the Church which impair its efficiency in England, disturb society in Ireland, and lower the character of the Establishment in both countries. To represent to his Majesty, that his Majesty's faithful Commons beg leave submissively to add, that they cannot but lament that the progress of these, and other reforms, has been interrupted and endangered by the unnecessary dissolution of a Parliament earnestly intent upon the vigorous prosecution of measures to which the wishes of the people were most anxiously and justly directed."

After a debate prolonged till on 26th of February, this amendment was adopted by a majority of seven ; the numbers being, for the original question 302 ; and against it 309.

The majority against ministers on this occasion and on the election of a Speaker, had occasioned rumours that it was their intention to advise his Majesty to appeal again to the sense of the country by a dissolution of the new Parliament ; and that if this course were adopted before the Mutiny Act could be passed, they would consider themselves authorized to keep up the army without the consent of Parliament. On 2nd of March, when the House of Commons was about to resolve itself into a Committee of Supply, Lord John Russell took occasion to advert to these rumours, and also to require information respecting the proceedings which Ministers contemplated with regard to Corporation and other Reforms, and to the Irish Church. The Chancellor of the Exchequer replied as follows :

It is always my wish to give the House as unreserved an explanation of the course which I mean to pursue as a public man, as is consistent with my duty as a minister of the Crown, and I do not require the additional time which the noble Lord offers me for the purpose of being enabled to answer the questions which he has put to me. In answer

to the first, I inform him, that I have not felt it my duty, in consequence of the vote of the other night, to tender my resignation to the King, and that I do intend to persevere in the course which I consider it my duty equally to the King and to the public to pursue, and, notwithstanding that vote, to submit to the consideration of the House those measures on which his Majesty's Government have formed their opinion, and which they are prepared to introduce without delay. I am aware, certainly, that the House of Commons did, by a small majority, in an exceedingly full House—by a majority of 309 against 302—not pass a censure upon the Government, but did, by a majority of seven, imply a difference of opinion with that Government as to the necessity of the late dissolution of Parliament, and did imply an apprehension, which I think was unfounded, that measures which would be conducive to the general interests of the country would be interrupted and retarded by the appeal which his Majesty had thus made to the sense of his people. But I do not believe, that the majority which came to that vote did mean to imply an opinion that it was tantamount to a vote for the removal of his Majesty's ministers. There are many who concurred in that vote, who will nevertheless admit that I should not be acting consistently with my duty if I considered it significant of an opinion that I ought to retire from the post to which his Majesty has called me. Some hon. members who voted for that amendment, and who spoke in the course of the debate, explicitly declared that such was not their construction of the vote.

With respect to the Irish Church, (for I shall take the several questions put by the noble Lord in the order which will make my answers the most intelligible, though not possibly in the order in which they were presented to me,) I reply, that I intend to present to the House the Report

which may be made by the commissioners of public instruction appointed by the late Government. When I came into office, I ascertained that the commissioners had applied themselves sedulously to the duties that had devolved upon them, that they had completed their inquiries in nearly one half of the parishes in Ireland, and that they were proceeding to make them in the remainder. Under these circumstances, his Majesty's ministers did not think it their duty, the commission having been appointed by the Crown, to interrupt its progress. On the contrary, without committing myself to the adoption of the report of the commission, or of the principle of the measures which it may propose, I may say, with truth, that we have given every facility for carrying on the investigation. The noble Lord has said, that I have declared that I will not found any measure upon the report of that commission. The noble Lord has misunderstood my meaning. What I said was this, that I still remain of opinion, that ecclesiastical property ought not to be diverted from strictly ecclesiastical purposes. That is the principle which I have always maintained, which I still maintain, and upon which I am still disposed to act; but I do not preclude myself by that declaration from adopting any measures suggested by that commission, if I approve of them, and should they not be inconsistent with that declaration.

On the subject of the corporation commission, I do not know exactly to what conversations in other places the noble Lord alludes. I speak for myself, and of the course I mean to pursue. When the report of the corporation commissioners shall be presented (and I conclude it will be presented in the course of a very short time, as we were led to expect it would have been presented at the conclusion of the last month, February)—when we are thus put in possession of the principles which it contains, and the evidence which it brings forward in support of those princi-

ples—I mean to give the evidence and the suggestions contained in that report the fullest and fairest consideration. I assure the noble Lord, that I have no lurking prejudice in favour of the abuses of corporations. I cannot conceive what possible cause, particularly after the passing of the noble Lord's bill, there can be, either of a political or personal nature, to give me any assignable interest in the defence of corporate abuses, or in the opposition to measures intended to remedy abuses where they are proved to exist, and to take effectual security against their recurrence. But I think that it would be inconsistent with my duty as a minister of the Crown, after reviewing the report of the committee of 1833, of which you, Sir, (the Speaker,) were chairman, which states, that many remedies were suggested that would be fitting for small corporations, and would not be fitting for large ones; that the most popular corporations were not practically the most pure; that there were many points upon which further information was required, and with regard to which the committee themselves were not able at the time to give an opinion—I think, I repeat, that, looking at that report, it would be inconsistent with my duty as a minister of the Crown, to pronounce an opinion or to enter into engagements on this subject at present. Surely the most natural and the most becoming course for me to pursue, is to propose or promise nothing until I have had an opportunity of seeing the report of the commissioners, of weighing the evidence, and of examining the nature of the suggestions which it contains. I have the honour of presiding over a corporation; I will venture to declare that, if the result of this commission should be to prove the existence of any abuses, they will give their unanimous assent to any improvement that may be calculated to remedy them. I say this on behalf of the corporation over which I have the honour to preside as high steward; and,

with regard to all other corporations, I am as free as the noble Lord can be—free in respect to public engagements, free in respect to interested motives, personal or political—to give an unprejudiced consideration to any measure intended either to correct actual defects, or to conciliate more of public opinion and confidence. I am determined, however, to see the nature and extent of the abuse, and the nature and extent of the remedy, before I commit myself upon the subject.

As to the last question, the first indeed in point of importance, though not of order—that with which we were threatened on a former day, but from which the noble Lord has himself receded—it seems to me very possible that in the interval the noble Lord has referred to a question put to Lord Grey in another place, on a similar subject, in the month of April, 1831. There were at that time general rumours of an intention to dissolve Parliament, and not without foundation; for the question was put on the 21st of April, and on the 22nd of April the two Houses were dismissed. I find the matter thus reported. “Lord Wharncliffe said, “As an allusion has been made by the noble Lord (Farnham) to certain reports that are in circulation on the subject of a dissolution of Parliament, I wish to ask his Majesty’s ministers whether there is any truth in the statement, that they have advised his Majesty to dissolve Parliament, and that it has been resolved to adopt that course? I ask this question, because, if I should receive an answer in the affirmative, it is my intention to adopt some measure in relation to the subject, and, I can assure the noble Earl opposite, very speedily.” Earl Grey replied:—“I believe the noble Lord’s question will be admitted to be one of a very unusual nature, and I can hardly bring myself to believe that when he put it the noble Lord expected an answer. But whatever the noble Lord’s expectation may

have been, I have only to say, I must decline answering the question."

Now, if any rebuke ought to be administered to the noble Lord (Lord John Russell) for having thought of putting such a question, or for extracting an answer to it, if put, it will, I am sure, be more palatable to the noble Lord to receive that rebuke from Lord Grey, than from myself. But I will be more explicit than Lord Grey. The noble Lord asks me whether I have countenanced the rumours that are prevalent? I tell him at once that by no act, and by no expression of mine, have I directly or indirectly sanctioned such rumours. I will tell the noble Lord, also, with equal fairness, that I never have discussed with any body the case hypothetically, in which another dissolution might be necessary or justifiable. I should think it disrespectful to the House of Commons if ministers were to discuss such a contingency, and most unbecoming to hold out any menace to the House as to the possible consequence of any course of proceeding it might think fit to adopt. Therefore, in answer to that question of the noble Lord, I tell him at once that I am not responsible for the rumours, having neither originated nor sanctioned them.

The other rumour by which the noble Lord has been disturbed relates to the supposed intention of Government to govern by a standing army, in case the House of Commons should refuse to pass the Mutiny Bill. This alarming report is, I trust, of very recent origin; for I can declare with perfect truth, that the first time I ever heard the whisper of it was from the lips of the noble Lord, and that, like many other reports which give uneasiness to weak and credulous persons, it is utterly without foundation.

As to that other question with which the noble Lord threatened me the other day, but which he did not put on this occasion, though I came down fully expecting that it

was the main object of his inquiries,—namely, whether or not I would pledge myself that the prerogative of the Crown in reference to a dissolution of Parliament should not be exercised under any possible contingency—I will not take advantage of the noble Lord's forbearance and reserve, but will give him my answer though he has withheld his question. I have already stated that I never, directly or indirectly, sanctioned the rumours that have prevailed on the subject of future dissolution, and that by no act or expression of mine was any warrant given to them. I stated further, that it would be most unbecoming in me to fetter the discussions of the House of Commons by any, the slightest, menace of contingent dissolution, but I must, at the same time, say, Sir, that it would be equally unbecoming in me, as a minister of the Crown, to consent to place in abeyance any prerogative of the Crown, or to debar myself by previous pledges from giving to the Crown, as a privy counsellor and a responsible adviser, that advice, which future exigencies of the public service might require me to give. I have thus endeavoured to give an answer to the various interrogatives put to me by the noble Lord, and I think I may venture to anticipate that my answers have quieted some of his alarms, and on the whole have been satisfactory.

Lord John Russell: The right hon. Baronet has misunderstood me as to one point: when I stated the prevalence of certain rumours, I did not say that it was the intention of any minister to govern by a standing army; what I meant was, that there existed a rumour that some persons thought they could justify keeping up the army without the Mutiny Bill—that there was a power inherent in the prerogatives of the Crown to maintain a standing army; and consequently that Parliament might be dissolved either this night or a fortnight hence. That was the whole extent of the rumour. I certainly must fairly admit that all I can expect of the right hon. Baronet is, that he should say that he has not given countenance to

such rumours, and that he has not favoured any such threat. I cannot expect from him, and he will allow that I did not ask from him, any general declaration or pledge upon the subject.

The Chancellor of the Exchequer: In order to remove every doubt or apprehension, I can only declare in the most unequivocal manner, that I never heard the subject of the prerogative of the Crown to continue the standing army without the Mutiny Bill discussed till to-night.

Lord Ebrington: I wish to put a question to the right hon. Baronet on the subject of the Commissioners of Education in Ireland. Is it the intention of the present Government to make any change in the principles of that system of education, or will they be allowed to continue the same as under the Government of Lord Grey?

Sir H. Hardinge: In reply to the noble Lord, I have to inform him and the House, that there is no intention on the part of Government to alter the system of education in Ireland as settled by the late administration. With regard to the amount of the estimate for the present year, I may mention that I believe it will be larger than last year. There has been some increased expenditure, and, speaking from memory, I apprehend that a larger sum will be required for the present year.

Mr. Spring Rice: I beg to call the attention of the right hon. Baronet to the Committee on the military expenses of the Colonies appointed last session, and to ask him whether it is intended to revive it? If so, the sooner its labours are recommenced the better, as we shall the sooner be in possession of the requisite information, and the sooner able to proceed effectually.

The Chancellor of the Exchequer: I entirely concur with the right hon. Gentleman as to the propriety of re-appointing the committee; and I hope, as he has excused himself from serving on the committee for rebuilding the Houses of Parliament, that it will be an additional reason with him for giving his valuable assistance to the committee on the military expenses of the colonies.

Mr. Hume: I wish to ask the right hon. Baronet whether I understood him distinctly to say, in answer to the question of the noble Lord, that though on two occasions this House has declared its decided opinion against the measures of ministers, he means to persevere in retaining his situation in opposition to the opinion of the general mass of the community? If I thought that the majority in the House did not represent the majority out of it, the case would be different; but as I think that the majority in the House does represent a very large majority out of it, I beg to know whether it is to be understood that the present ministers will continue to hold the reins of Government, although they will be unable to carry any measure without severe conflict? I ask this, because, after the recent appeal to the people, they have a right to expect steady government, on which dependence can be placed as to the measures to be introduced and as to the probability of carrying those measures. Are we to understand that, notwithstanding the decisions against him, it is the right hon. Baronet's intention to persevere, doubting that the opinion already expressed is the opinion of the majority? He must see, that the people of England have no means of expressing their sentiments, or of stating those sentiments to his Majesty, but through their representatives; and what I want to know is, whether their opinions are to be set at defiance? If they are to be set at nought, it is impossible to say what unpleasant consequences it may not lead to. It may bring about a collision of the most disastrous kind. Government against the wish of the majority of the House is without precedent. Mr. Pitt, indeed, had a considerable majority against him and persevered, but then the people were evidently with him. That, give me leave to say, is not the case now. No doubt, there are hon. members on the other side, who are under a delusion upon this point; but as regards my constituents, I will venture, without the least hesitation, to say that three out of four are opposed to the present ministers. I thank the right hon. Baronet for his frankness; it was what I expected of him, and I am pleased to find that he has taken that course, as I trust that in the same spirit he will reply to the two questions I now beg leave to put to him—whether he considers the opinion of the House against him to be that of the majority of the people? or whether he waits until some farther opportunity has been afforded for ascertaining the general sense of the nation?

The Chancellor of the Exchequer: When I answered the question put to me by the noble Lord, I stated simply a fact—that in consequence of the vote of the other night, I had not considered it my duty to tender my resignation; and I do assure the hon. member for Middlesex, that in my situation I find it quite sufficient to dispose of practical questions for discussion and decision, without attempting to meet the hypothetical points and uncertain contingences in respect to which he asks for an answer. I have not resigned; and I mean to proceed in the execution of my duty, by submitting to the consideration of Parliament the measures contemplated in the speech from the throne; but as to the course I shall pursue, or the course the House is likely to pursue, those are matters which must be determined by future events, in respect to which I consider it utterly inconsistent with my duty to pronounce an opinion.

Mr. Hume: I certainly cannot have made myself understood, because the right hon. Baronet speaks of some hypothetical case. I submitted no hypothetical case; I spoke of a matter of fact—that the majority in the House was against him, and that the majority out of doors was equally opposed to his measures. That is a fact. I am quite aware, that he would fain think otherwise; it is just upon the balance with him, whether he shall live or die—"the flickering flame dispenses fitful light," and we shall soon see it sink into the socket and expire with no very grateful odour. He may not like to look forward to his measures for to-morrow, but we, on the part of the people, have a right to know what is to be expected from him and his colleagues. The motion for the committee of supply is a matter of form which must be gone through, and it would be improper to throw any impediment in the way of it; but the people are not to be told that a certain body of men enjoy the confidence of the country, when it is known that they retain their places in defiance of public opinion. It is impossible, that they can thus carry on the Government with advantage to the people; and it will be for the representatives of the people to consider whether, when next they are called upon for supplies, they will place any

sum of the public money whatever at the disposal of such ministers. All collision—all that challenges the prerogatives of the Crown—is extremely dangerous, and ought never to be provoked; but, if ministers will not submit to a majority of the House of Commons, I should be glad to know whose fault it will be? It is quite true, that the decided opinion of this House, twice expressed, has been set at defiance. I know what the feeling is out of doors upon the subject, and I do not put a hypothetical question, but assert a matter of fact.

The Chancellor of the Exchequer: I appeal to the House whether I have shown any unwillingness to answer any question possible for me to reply to. The House did come to a vote the other night implying a different opinion on the necessity of a dissolution of Parliament; the majority 309 to 302; and looking at that vote, I say again that I have not felt it my duty to abandon the post in which I have been placed, and that I shall proceed to submit to Parliament the measures mentioned in the King's speech. If the hon. member thinks, that supplies should be refused to his Majesty, or that it is fit to obstruct the course of measures without reference to their merits, it is perfectly open for him to adopt that singular method of promoting the general welfare. It would, however, be quite absurd for me, by a preliminary engagement, to promise the House that I will pursue a certain course in certain contingences, and on the occurrence of certain hypothetical cases.

Mr. Hume: I am sorry to trouble the House again; but still I do not think that the right hon. Baronet and I understand each other. What I want to know is, whether he considers the determination of the House on the address a vote of confidence, or of no confidence? He may decline to answer it; but we shall then draw our own conclusions from his silence.

The Chancellor of the Exchequer: It would be quite absurd if I said I thought it a vote of confidence. At the

same time, I repeat again, that I did not consider it a vote that implied even the opinion of the majority—a decided opinion of the majority—that it was my duty to retire.

ON THE PRESENTATION OF A PETITION

FROM

CERTAIN MEMBERS OF THE LEGISLATIVE COUNCIL
AND HOUSE OF ASSEMBLY OF LOWER CANADA.

March 9th, 1835.

On the 9th of March, 1835, Mr. Roebuck presented a Petition from four members of the Legislative Council of Lower Canada, and sixty-one members of the House of Assembly, complaining of the grievances under which they labour; and, in a long speech, he explained the present condition of the colony, the circumstances which gave rise to this petition, and the various demands which it contained. He was answered by Mr. Spring Rice, who detailed the proceedings of Parliament and of the Government, during the time that he was secretary of state for the colonies, relative to Canada.

Mr. Robinson declared that, in the whole course of his parliamentary experience, he had never heard a more unfair, distorted, and intemperate address than that of the hon. and learned member for Bath, (Mr. Roebuck.) In one respect that hon. and learned Gentleman was a fit and proper representative of the Canadas—he represented all their intemperance. He did not deny that there was much to complain of on their part, but there was every disposition in the House and in the Government to look into the question with a view to its satisfactory adjustment. The hon. and learned Gentleman, however, told them that the Canadian party

would never be satisfied unless they had an effective legislative council. That might or might not be a proper thing to introduce into the colonies, but such an experiment would be a complete departure from all the principles of British legislation by which the colonies had hitherto been governed. He despaired of seeing the subject brought to a satisfactory issue after such an exhibition as they had been favoured with to-night. He denied that the hon. and learned Gentleman spoke the sentiments of the Canadian public, or even any considerable portion of them. It was said, they would rebel if the whole of their demands were not conceded, being backed by thirteen millions of sturdy republicans in their neighbourhood (the United States ;) but with all his acquaintance with the colonies he must be permitted to say, that such was the opinion only of the most wild and visionary of mankind. The hon. and learned Gentleman had written a letter to the colonies, in which he recommended an appeal to arms.

Mr. Roebuck begged leave to set the hon. member for Worcester right. he had misrepresented him. He did not advise the colonists to appeal to arms, but he recommended them to pursue any other course rather than resort to arms.

Mr. Robinson continued. He would ask the hon. member, whether he had not mentioned to the people the possibility of their being called upon to appeal to arms. He recollected, however, that the hon. member for Middlesex, (Mr. Hume,) with whom the hon. member for Bath was in the habit of acting, alluded to the Canadians resorting to arms in a certain contingency with something like approbation. He could not but complain that such dangerous language was used to the colonists ; and he firmly believed that nothing tended so much to prevent a satisfactory settlement of the Canadian dispute, as the conduct of the hon. member for Bath, and the hon. member for Middlesex. Those hon. Gentlemen had, by their conduct, sanctioned many of the charges brought by the Canadians against the British Land Company. The hon. member for Bath had even gone the length of allowing his name to be used in connexion with a statement which declared that those who purchased land from that company bought it without a legal title, and might be dispossessed of it. But he must declare that the tenure of the land sold to the emigrants to Lower Canada was as good as that in any other of the colonies ; and that the whole end and object of bringing these charges was to prevent the emigration

of British settlers to that colony. The House was already aware that a strong feeling prevailed in Lower Canada against persons going out from this country to settle there. The hon. member for Bath was certainly not the representative of the British population in that colony, nor was he the representative of the great portion of the respectable Canadians ; but only of a small faction under the control of Mr. Papineau, who was speaker of the assembly in Lower Canada, and whom the hon. member had continually referred to and praised. In conclusion, he thought that it would be advisable to take some steps, so that for the future no persons should be members of the council who were not possessed of large property in the colony, for heretofore it had appeared as if gentlemen had been placed in the council rather in consequence of their connexion with the Government than on any other account. He had no doubt that the right hon. Gentleman now at the head of the Government would take care that respectable persons connected with the colony should be placed in the council, by which means he would do much to settle the unhappy differences that prevail there. The hon. member for Bath wished to do away with the legislative council, and govern the colony by means of the House of Assembly and the Governor. The adoption of such a course would lead to the severance of Lower Canada from the Crown of England, and would prevent English subjects settling in that colony. He had no doubt that the present Government would take up this subject with the earnest wish to do justice ; and would pursue such a course as would direct the tide of emigration to that fine country. If, however, they left things as they were, or adopted the course suggested by the hon. member for Bath, emigration would be checked, and not many years would elapse before that country would become a waste, as it originally was.

The Chancellor of the Exchequer then rose, and spoke as follows:

I assure the hon. member who has just concluded, as well as the House at large, that it is because I wish to act upon the advice he has now given me, and because I desire to view the subject dispassionately, and divested of the difficulties in which it is sought to immerge it, that I rise for the purpose of deprecating the continuance of a discussion which, in my humble opinion, is neither likely to conduce

to the amicable settlement of the unfortunate difficulties that prevail between the Canadian colonies and the British Government, nor to place the question in a point of view which will make it more intelligible or less intricate to those to whom its several bearings are imperfectly known. I do hope, that this debate will not be continued; but, should it not meet the wish of the House that it should here stop, I do trust that it will be continued without any further reference to Mr. Papineau or his actions, to the Canadian party as opposed to the English party, or, in short, without further reference to any of those exciting and unincidental topics, with which it has pleased the hon. and learned member for Bath to charge his speech. I am, however, inclined to hope that the course which his Majesty's Government have resolved upon pursuing in reference to the subject, and which I am now about to announce, will be deemed a conclusive reason why the advice of the hon. member for Worcester should be generally followed, and why this discussion should, at all events, for the present, be brought to an end.

Before, however, I proceed to state the intentions of the Government, I must be allowed to say a few words, in answer to an observation of the hon. and learned member for Bath. Referring to the great delay which has taken place in the settlement of the disputed matter, the hon. and learned member said, he attributed it altogether to the frequent changes which have of late years occurred in the office of Secretary of State for the Colonial Department, and concluded by recommending that a fixed office, not determinable on changes in the administration, should be created for the management of colonial affairs. Such a remedy, I do not hesitate to say, is one altogether incapable of adoption. The executive for the time being, it is quite evident, must, as a body, be answerable for the management

of the highly-important affairs coming under the jurisdiction of the Colonial Department. Now, how could that responsibility be attached to them, if they were to have at the head of that department an officer altogether independent of their control, and totally irresponsible to them for any acts he might direct in the management of those affairs. Such an arrangement could not be satisfactory to any of the parties concerned in colonial affairs; and great as may be the inconvenience attendant upon frequent changes in the office of Colonial Secretary, I am prepared to maintain that the remedy proposed would be far from an improvement.

I think I can, however, satisfy the hon. member, that at all events the recent change in the Administration has not prejudiced the consideration of the present question, and that it shall not do so. I am ready, on the part of my noble friend, the Secretary for the colonies, to give the hon. member every pledge he may desire. On the appointment of Lord Aberdeen, he found this Canadian question in precisely the same condition that it was left by the committee which sat in 1830. The right hon. Gentleman opposite (Mr. Spring Rice) has stated that, when removed from office, he was on the eve of proposing to his colleagues in office certain principles on which a settlement of the question should be sought. I believe that to have been the case, as the right hon. gentleman has stated; but of those principles no record was left by him at the Colonial Office. For my part, and I am sure I may say the same on the part of my noble Friend, I much wish that such a record were in our possession, because, in addition to the opportunity it would have given us of testifying our respect for the opinions of the right hon. Gentleman, it could not but materially have assisted us in the task we have to perform. The right hon. gentleman's motive for taking with him all

the documents he had prepared on the subject, no one can question; it was that his successor in office should not be embarrassed by his views in forming his decision; but, much as I am disposed to do credit to the proper spirit which characterised his conduct, I cannot help repeating my regret that Lord Aberdeen should not have had the benefit of his opinions.

However, notwithstanding the recent change of Government, and notwithstanding, also, the arduousness of the duties in which, immediately on his appointment as Secretary for Colonial Affairs, he finds himself involved, I am happy to say measures have already been taken to insure a settlement of the differences. On our taking office, we felt that the question demanded instant consideration, and we accordingly had it communicated to the colonial authorities that we were determined at an early period to proceed to the settlement of the disputes. With this view we authorised Lord Aylmer to inform them that his Majesty had determined to send out to Canada a representative totally unconnected with local politics, altogether unembued with local prejudices, and completely unmixed in Canadian affairs, who should be enabled on the spot to take a whole view of the subject, and who, being in full possession of the opinions and intentions of the Government here upon the several matters in dispute, might report upon the best and most satisfactory means for bringing them to a final adjustment. This is the course we propose to adopt. We felt the greatest difficulty in bringing the matter to a conclusion by written communications. There might be misunderstanding on some points, misinterpretation on others, and the distance between the two points rendering the clearing up of those misunderstandings and misrepresentations a most tedious and difficult process, we, after mature deliberation, came to the resolution, that it would be better to send out

a person in full possession of our views and intentions in the several matters to be adjudicated, and authorised to enter into full communication with the Canadian authorities upon them. Our final intention is, upon a report of the real state of the case being made to us, to remove what is justly obnoxious, and, in place of it, to propose those measures which we believe to be consistent with justice to the parties concerned, and with sound policy as regards the general interests of the country.

Under these circumstances, I think the House will feel that I take the most prudent course in declining to enter further into the subject at present, and I, at the same time, hope they will agree with me in the opinion, that the course most likely to bring about an amicable settlement of the dispute is that which his Majesty's Government have adopted. We do not mean to disregard the petitions of the Canadian population, but we mean to appeal to their sense of reason and justice; and we believe, firmly believe, that our appeal will prove successful. We will give their claims every just consideration, but, at the same time, I am bound distinctly to state, we do not mean to declare any new principle of Government in the colonies. Our object is to see of what it is the Canadian people complain, and then to see to what extent those complaints are founded in justice. If we find they are not founded in justice, our aim shall be to prevent their continued and useless agitation; but if, on the contrary, we find they are founded in justice, we shall apply ourselves in a spirit of conciliation, and without regard to the epithets of contumely and insult previously heaped upon us, to their permanent and satisfactory removal.

Having stated thus clearly what is the course we have resolved upon pursuing, in reference to this question, I beg to assure the House, I shall not occupy their attention by

any comment upon the numerous and unincidental topics introduced by the hon. member for Bath into his speech. One word, however, a sense of justice compels me to say in defence of the noble Lord, the member for North Lancashire, (Lord Stanley) whose conduct has been so unjustifiably attacked by the hon. member who originated this discussion. Sir, I do not believe that the conduct of any ministry of this country, or any public man, minister or otherwise, was ever exposed to so severe an ordeal, as that of the noble Lord to whom I allude; and I may say further, I doubt whether any man could go through such an ordeal, with more honour or credit to his character than did the noble Lord. While a minister of the Crown, that noble Lord went before a committee of the House of Commons—a committee indiscriminately chosen—having on its list many members adverse to the policy of the Government with which he was connected—a committee, as fair a representative of the average opinions of that House as could possibly be selected—a committee, as fully the representative of the interests of the Canadian body as of the British party in Canada—before such a committee the noble Lord went, and, after producing to them every document, public or private, his office contained, left it to them to judge whether the complaints brought against him were founded in justice or otherwise. Sir, I repeat, I know of no example of a minister having taken such a course to free himself from accusation, and much less of a minister, after taking such a course, passing through the ordeal so honourable to himself and his character, as did the noble Lord. As far, therefore, as the accusation of the hon. member for Bath is concerned, I think the noble Lord best consults his own dignity by treating it with indignant, or rather contemptuous, silence.

I would here cease to occupy the attention of the

House, were it not that there occurs to me one other point in the hon. member for Bath's speech, which I do not think I ought to pass over without notice. The hon. member has been pleased to threaten us, that unless every thing the Canadians ask for is granted them, they have determined upon rebellion. Those, I think, were the expressions of the hon. and learned member. He also undertook to assure us, that thirteen million inhabitants of the United States of America, a country with which Great Britain at this moment enjoys the profoundest amity—a country with which Great Britain is almost daily interchanging expressions of most friendly feeling, a country with which Great Britain has scarcely a subject of difference—their old jealousies being now removed, and each, conscious that the prosperity of the other must influence its own prosperity, reciprocally desiring that peace, tranquillity, and good order may flourish in the other—such, I say, being the state of the two countries, the hon. Gentleman thinks fit to declare that, if a rebellion should break out in Canada, the whole of the United Provinces are prepared to interfere in our domestic quarrels, and join these rebellious Canadians. I will not do the United States the injustice to believe, even for a moment, that they, or any one on their behalf, could have authorised the hon. and learned member to make such a declaration within the walls of the British House of Commons. I have too high an opinion of their justice and integrity ; but, even if that opinion were wanting, I entertain such a sense of their shrewdness, common sense, and discretion, that I cannot believe they would select, as their organ in this House, the hon. member who has thought proper to represent himself in that capacity.

With respect to his declaration of the intentions of the Canadians, I have also a word to say. I think, it is far better for me, instead of being exasperated by the language

which the hon. and learned member has been pleased to put, as it were, into the mouths of the Canadian party, of whom he says he is the representative, and instead of demeaning myself by retorting equally hard words and unworthy expressions, simply, and in the plainest language, to state, that I both hope and trust the hon. Gentleman has had no authority from that party to tell the British House of Commons, that, unless all their demands are acceded to, they will have recourse to rebellion. Indeed, painful as the alternative would be, I should be rather inclined to believe that for the moment—I say, only for the moment—the wisdom and discretion for which the hon. and learned Gentleman is so remarkable, forsook him, than to suppose that he gave us a correct report of the intentions of his, as he has been pleased to term them, constituents.

But if, on the other hand, it should turn out that his information is correct—if it be true that the Canadian people, or any part of them, have instructed the hon. member to act in the capacity of their minister at war, and to declare in the British Parliament that they are prepared to rebel if all their demands are not acceded to—I, as minister of the British Government, will meet them, not with any counter-declaration of hostility, but, with the hand of peace and friendship grasping theirs, I will say to them, “Still we intend to do you justice—still, notwithstanding we derive from your menaces a fresh source of strength—although, by your threats, you arm us with fresh means of arousing public opinion on our side—and although, by your unfounded accusations, accusations which in the end will recoil on yourselves, and give us the strength to disregard your vaunting, you induce a fresh conviction of your injustice and intemperance, we are determined to go on unflinchingly in the course we have set out on, and, by removing all fair ground for complaint, take from you even the pre-

tence for asserting that his Majesty's colonial subjects do not receive from the British Government that consideration and attention to which they are entitled."

In the course of the discussion, the Chancellor of the Exchequer said, that he thought the Canadian House of Assembly was a fitter place to entertain complaints of the nature of those contained in the petitions in the first instance, than the British House of Commons, to which an ultimate appeal only ought to be addressed; and, remarking on a second speech from Mr. Roebuck, he said, that if the first speech of the hon. Gentleman had partaken of even a portion of the spirit of forbearance which pervaded the second, no observations should have fallen from him which contained a syllable of reproach or invective. He congratulated the hon. member on the altered tone of his second address, which he said was conceived and expressed in a far wiser, better, and more temperate spirit than the first. He would add, that every possible degree of caution had been used in the selection of the individual who was to be sent to Canada, as the representative of the British Government; and every necessary power had been conferred on him to settle the questions at issue between the local executive and the legislature. He had also to state, that a notification of the appointment and an intimation of the probable time of his arrival, had been sent to the Canadas upwards of six weeks since.

The petition to lie on the table.

ON THE MOTION OF THE MARQUIS OF CHANDOS,
RELATING TO
THE REPEAL OF THE MALT-TAX.

March 10th, 1835.

On the 10th of March, 1835, the Marquis of Chandos moved a Resolution—"That it is expedient that the present duties on malt shall altogether cease and determine." The motion was seconded by Mr. Handley.

The Chancellor of the Exchequer then rose and spoke to the following effect :—

The course which I intend to pursue in the present debate makes me peculiarly anxious to rise at an early period of the discussion, when I am not likely to be diverted by any reference to topics of party excitement from the attempt to call the attention of the House—not to matters mixed up with political considerations, affecting merely the interests of parties in the state, but to the review of those facts and arguments upon which their judgment ought to be formed, and the exclusion of which from their consideration would, in my opinion, produce the most serious prejudice to the best interests of the country. The question which must this night be decided involves interests so complicated and comprehensive, as to impose upon the House—upon that jury of which the noble Marquis has spoken—the solemn obligation of finding their verdict upon the dictates of their conscientious conviction. I, too, call upon this jury, impannelled on this high occasion, to decide, not on partial opinion, not upon promises rashly and inconsiderately made,

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not upon unsound prejudices, not with reference to the particular interest of any one class of the community, but as becomes a jury, upon a comprehensive view of the merits of the whole question, upon a calm consideration of the evidence I shall offer and the arguments I shall adduce.

I am called upon to consider this question—namely, whether I can consent to a resolution which pledges me irrevocably to the total repeal of the malt-tax. I am called upon to consent to that resolution at a period when the House has had no opportunity of hearing any financial statement—at a period when it knows not from any authentic declaration what is the amount of the demands for the public service—what is the amount of disposable revenue—before it has had any opportunity of considering any other claim for the remission of taxation: under these circumstances I am called upon to pledge myself irrevocably to deprive the public revenue of several millions of money. If such a motion as the present is at any time defensible, I appeal to the House whether it ought not to have been postponed at least till after an authorized exposition of the national means had been laid before the House. It will be my duty to make such a communication to the House as soon as possible after the close of the financial year—namely, the 1st of April: I shall then have an opportunity of describing to the House the state of the public revenue, and the amount of the demands for the public service; and the House, being thus put in possession of the actual amount of the surplus, may appropriate it either to the remission of taxation, or in any other way that it may think expedient. The noble Marquis, however, will not wait for this explanation, but has called upon the House, in fact, to exclude the consideration of every other interest, except that which he advocates, by pledging itself that the malt-tax should be the first, and

I need scarcely add, the only burthen of taxation it would repeal. Thus forced into a discussion which I think ought to have been postponed, it becomes necessary for me to enter on the task of convincing the House of the impropriety of acceding to the noble Marquis's proposition, and of cautioning it against the consequences which would result from a precipitate, and in my opinion unjustifiable, pledge to repeal the malt-tax.

Of course I am unable to develop with perfect accuracy the financial prospects of the ensuing year; but I may refer to a statement made by my predecessor in the office which I now fill, which I apprehend is correct enough, in its results at least, for all practical purposes. The noble Lord (Lord Althorp) in his budget last year, after providing for the repeal of the house-tax, made a calculation of the probable available surplus for the year beginning the 1st of April, 1835, and ending the 1st of April, 1836. It is sufficient for my purpose to state, that, although in some respects the calculations of Lord Althorp are erroneous, yet I think upon the whole the result at which his lordship arrived is not far from the truth. Lord Althorp estimated that the demands for the service of the present year would be identical with those of the last. I, however, have the satisfaction of stating to the House that I trust there will be a considerable reduction in the estimates for the present year. I believe that the estimates for the ordinary service of the year will exhibit a reduction of at least 470,000*l*. Although this will of course increase the available surplus revenue, yet as there are miscalculations in the statement of the noble Lord (for which his lordship is in no degree responsible) as to the amount of charge on the consolidated fund, the correction of which will diminish the amount of surplus revenue to an extent not very far short of the saving on the estimates, Lord Althorp's estimate of

the amount of available surplus is upon the whole not an inaccurate one. Lord Althorp calculated that on the 5th of April next the revenue would exceed the expenditure by about 250,000*l*. I think that, after reducing nearly half a million on the estimates, I cannot calculate upon having a greater surplus than 250,000*l*.; I mean, of course, after providing for 750,000*l*., an annual charge for compensation to the West India proprietors, and after the revenue has been subjected to the operation of the repeal of the house-tax.

In this state of our financial prospects, with a surplus of 250,000*l*. the noble Marquis requires the House to pledge itself on this night to the repeal of the whole of the malt-tax. Now, what is the total amount of this tax? I believe that the gross produce of the malt-tax last year was 5,150,000*l*.; but perhaps it would be more satisfactory to the House if I were to state what has been the net amount paid into the Exchequer for the last four years on account of this tax. That will afford the best indication of the productiveness of the impost. In the year ending the 5th of January, 1832, the net sum paid into the Exchequer on account of the malt-duty was 4,208,000*l*.; in the year ending the 5th of January, 1833, the net amount was 4,675,000*l*.; in the year ending the 5th of January, 1834, it was 4,772,000*l*.; and in the year ending the 5th of January, 1835, it was 4,812,000*l*. Thus then it appears, that with a surplus of only 250,000*l*. the House is called upon to sacrifice a revenue—and observe, a gradually increasing revenue, of 4,812,000*l*.; that is to say, it is required to cause a defalcation, an actual deficit, of 4,562,000*l*.

The noble Lord has told the House, that, by repealing the whole of the malt-tax, all the expense consequent on its collection will be saved to the country. Of course, there can be no doubt that in determining on the policy

of a tax, the charge of its collection is a material consideration. For that very reason I have taken the pains to ascertain what is the charge at which the malt-tax is collected; and I venture to say that there will be found few taxes, the collection of which is accompanied with less expense to the public than the malt-tax. I have endeavoured to ascertain what extent of establishment might be dispensed with, supposing that it should be determined to part with the whole of the malt-tax. It is of course difficult to estimate the precise charge of collecting any particular tax, because the same revenue officers are employed in the collection of various taxes, but it is not difficult to determine what charge may be got rid of by repealing a tax; and this, indeed, is not an unfair indication of the expense entailed on the country by that tax, as the charge for its collection. I think, then, that I can with confidence state that the charge of collecting the gross revenue of 5,100,000*l.* derived from the malt-tax is certainly not more than 150,000*l.*; and I do not believe that it is possible to make any reduction in respect of establishment which would save the country a larger sum than that which I have just mentioned, if the House should consent to repeal the whole of the malt-tax. Besides the cost of its collection, another material consideration in determining on the comparative policy of a tax is the opportunity it affords for frauds and unfair dealing. Now, I can with equal confidence state, that there is no tax by which five millions of money is raised, nor any combination of taxes producing the same amount, which on the whole admits of fewer opportunities for fraud and unfair dealing than the malt-tax. I do not at the present moment pretend to give any opinion as to the possibility of adopting still further securities against the commission of fraud: or of affording greater facilities for the manufacture of malt, by freeing

it from excise restrictions. It is not necessary for me to enter into the discussion of these points, for if the House should unfortunately, in the absence of all information, pledge itself to the total repeal of the malt-tax, it will render it unnecessary to consider whether any modifications or improvements can be made in the excise regulations respecting the manufacture of the article or the collection of the duty.

The noble Lord and the hon. Gentleman who seconded the motion before the House complain that no remission whatever has recently taken place with reference to the malt-tax. Is it then forgotten, that in the year 1830 this very article of malt was relieved from a charge to which it was subject in the shape of a duty on beer?—a charge which, if calculated with reference to the quarter of barley, was not less than thirty-five shillings the quarter in amount? The noble Lord said that he called for a repeal of the malt-duty, because the agricultural interest is in a state of depression, and because the price of agricultural produce has rapidly fallen. Is that, I ask, the case with regard to barley? Can it be said that the present price of barley is lower than the price of the same article during the last year? Is it not a singular circumstance, that the price of barley at the present moment is higher, with reference to the price of wheat, than it has ever been known before? And yet the hon. Gentleman (Mr. Handley) assumes that certain relief will be afforded to the agricultural interest by freeing from duty that article which bears the highest price independently of the duty. The price of wheat, being untaxed, is low, while the price of barley, subject to a heavy tax, is high. Such being the facts of the case, by what reasoning does the hon. Gentleman arrive at the conclusion that the removal of the tax from barley will necessarily increase the price of that article?

There is another remarkable fact which ought to be borne in mind, that, the rate of duty having continued the same, and the intrinsic price of the article having risen, there has taken place during the last four years a progressive and considerable increase in the consumption of barley? If the rate of duty had tended to lessen the number of the quarters of barley brought to charge, or to diminish the amount of the revenue derived from the tax, the hon. Gentleman would then have been in possession of a powerful argument in favour of its remission; because he might have contended, that, if the duty were lowered, the consumption of barley would be increased, and the apparent loss to the revenue, by the abatement of the tax, would be made up by an increased use of the article. But I am prepared to show, that, while the rate of duty has remained unchanged, the quantity of barley brought to charge has gone on increasing. The net payments into the Exchequer for the last four years on account of the malt duty are as follow :—

| | | | | |
|-------------------|---|---|---|---------------------|
| For the year 1831 | . | . | . | 4,208,000 <i>l.</i> |
| 1832 | . | . | . | 4,675,000 <i>l.</i> |
| 1833 | . | . | . | 4,772,000 <i>l.</i> |
| 1834 | . | . | . | 4,812,000 <i>l.</i> |

Thus then there is an increase in the amount of duty received by the Exchequer, an increase in the consumption of barley, and also in the price of that article. These are three remarkable facts which ought not to be lost sight of. But though those who advocate the repeal of the malt duty cannot deny that an increase in the price of barley has taken place, yet they contend that that increased price is the consequence of a deficient harvest. True it is, they say, that there has been an increase in the consumption of barley during the four years preceding the last, but in

those years there have also been good harvests of barley ; in the last year, however, there occurred a bad harvest, and an increase has consequently taken place in the price of malting barley. Now, if that statement is correct, there is another effect, which a deficient harvest ought to have produced,—namely, it ought to have diminished the quantity of barley brought to charge. The whole of that argument will therefore be destroyed, if I can show that the quantity of barley brought to charge since October last has increased, as compared with the quantity brought to charge in the corresponding period of the preceding year. Well knowing that it would be alleged that there has been a defective harvest in barley last year, and that the rise in the price of the article is sufficiently accounted for by that fact, I have taken the trouble to obtain from the Excise-office, this very morning, an account of the number of bushels of malt brought to charge from the 10th of October, 1833, to the 19th of February, 1834, in order that I might compare the amount then brought to charge with the quantity brought to charge in the corresponding period, namely, from the 10th of October, 1834, to the 19th of February in the present year.

In the first of these periods the number of bushels

| | | | | | | | | |
|-----------------------|---|---|---|---|---|---|---|------------|
| brought to market was | . | . | . | . | . | . | . | 18,509,904 |
| In the second | . | . | . | . | . | . | . | 19,356,683 |

Being an increase in the latter, as compared with the

| | | | | | | | | |
|------------|---|---|---|---|---|---|---|---------|
| former, of | . | . | . | . | . | . | . | 846,779 |
|------------|---|---|---|---|---|---|---|---------|

This then is clear, that, so far as we have hitherto the means of judging, the assumed deficiency in the harvest of last year has not led to a diminished consumption of malting barley. We have a higher price and an increased consumption,—why then disturb the tax? And what

ground have you for hoping, that barley, subject to the tax, being very high, and wheat, subject to no tax, being very low, the removal of the tax on barley will insure a rise in the price of it?

In discussing the present question, I have no desire to make any appeal to the fears or passions of the House, or to refer to any topic unduly and unfairly calculated to influence the House in its view of the present question. I would willingly deprive myself of any such illegitimate advantage, if the House will only consent to give me its patient attention while I strictly confine myself to a statement of facts, and to a review of the arguments, if arguments they can be called, which have been urged in favour of the repeal of the malt-tax. That the agricultural interest have the first claim to your consideration I readily admit; that its present depressed state is a subject of deep anxiety, and calls for your warmest sympathy, I am the foremost to acknowledge; but it is the part of a true friend not to permit my reason and judgment to be overpowered by my feelings, but to consider dispassionately whether real relief will be afforded by a specious proposal. The advocates for the repeal of the malt-tax contend that there exist no other means of relieving the agricultural interest but the repeal of the duty; and it is prophesied that many collateral advantages will result from the repeal of the tax. Matters of prophecy are of course matters of uncertainty: but I am anxious to ascertain, by the aid of past experience, what probability there exists of the realization of the prophecies to which I allude.

In the first place, it is stated that a great diminution in the consumption of malt is produced by the operation of the tax; and that, if the quantity of malt and beer consumed in recent years is compared with the quantity consumed at an earlier period in the history of this country,

it will be found, to use the words of the hon. Member (Mr. Handley) that the consumption of the old national beverage of this kingdom has greatly diminished. I am ready to admit that in proportion to the population the quantity of beer consumed at present has diminished, as compared with the quantity consumed at an early period of the last century. But the question is not as to the fact, but as to the cause of it. Does that diminution arise from the operation of the duty on malt, or from the competition of other articles, which have come into general use in this country? The hon. Gentleman who seconded the motion has drawn rather a singular inference from the increased consumption of these articles. He has expressed his surprise at finding that, while the consumption of beer in proportion to the population has diminished, the consumption of tea, coffee, and spirits has increased. Now, I had intended to refer to the increase of the consumption of these articles for the very purpose of accounting for the decrease in the consumption of beer; but it seems that that fact had led the hon. Gentleman (Mr. Handley) to a conclusion diametrically opposite to that which it produces in my mind. The hon. Gentleman exclaimed, "You see the people of this country drink vastly more tea, more coffee, and more spirits than formerly. Why then," he asks in a tone of great surprise, mixed with much triumph, "do they not drink more beer also?" My reply is, because they consume more spirits, tea, and coffee. It is owing to a change in our national habits, and not to the operation of the duty, that the diminution in the consumption of malt is attributable. I will state the case in the manner which the hon. Gentleman will admit to be the most unfavourable to myself. I will select the year in the last century, in which, of all others, the consumption of beer, in proportion to the drinkers of beer, was the

greatest. That year was the year 1722. In 1722 the population amounting to about 6,000,000, and the number of barrels of beer consumed, as stated in the returns, was about the same, nearly 6,000,000, being in the proportion of one barrel to each person. In 1833 the population amounted to 14,000,000, and the average annual consumption for the last three years preceding the repeal of the beer duty amounted to no more than 8,200,000 barrels. Now I give the hon. Gentleman the full advantage of these facts and of any conclusions he may draw from them. The hon. Gentleman would, no doubt, contend that this lamentable falling off in the drinking of beer arises from the tax, and the tax alone. I, on the other hand, must argue, that the deficiency arises from altered habits, from new tastes, and consequently the increased consumption of other articles. It is very important to examine this matter a little more in detail. In 1722 the total quantity of tea consumed in this country did not exceed 370,000 lbs., or about an ounce to each person. In 1833 the quantity of tea consumed amounted to 31,829,000 lbs., being about two pounds and a quarter to each person. The use of tea has in fact superseded, to a great extent, the use of beer among all classes of the community. In like manner, the consumption of spirits has increased also. The hon. Gentleman (Mr. Handley) may say that he deprecates the increased use of spirits; but he would find it quite impossible, let him propose what regulations he might, to prevent their consumption. The hon. Gentleman might increase the duty on spirits; and he might flatter himself that he was diminishing their consumption, while he would, in fact, be only lessening the revenue which they produced. In 1722 there was about 3,000,000 gallons of spirits consumed, which gave a proportion to each individual of about half a gallon; in 1833, 12,332,000 gallons, being

at the rate to each person of six-sevenths of a gallon. An extraordinary increase has also taken place in the consumption of coffee. With respect to that article there are no accurate returns previous to 1760. In that year, however, the quantity of coffee consumed was not more than 262,000 lbs., or three-quarters of an ounce to each person. In 1833, the consumption of coffee increased to 20,691,000 lbs. or nearly one pound and a half to each person. With these returns before me, I cannot help arriving at conclusions, the opposite of those to which the hon. Gentleman arrived, that the increased consumption of the three articles I have mentioned, viz. tea, coffee, and spirits, accounts for the decreased consumption of beer; that you cannot expect those who drink three times the quantity of other beverages, to drink, on that very account, a greater quantity of beer; that you cannot have an immensely increased revenue from tea, from coffee, and from spirits, and also a corresponding increase in the revenue derived from the article which they displaced; and lastly, that, so far as morality is concerned, no very great advantage would be gained by discountenancing the use of tea and coffee for the purpose of substituting beer in their place.

The hon. Gentleman (Mr. Handley) seems to think that the use of tea and coffee is unfairly encouraged, and that their consumption is increased in consequence of the duty on these articles being lower than that which is applied to beer. He calls out for justice to the old national beverage, and insists that it should not be sacrificed to the undue favour that is shown to the articles of foreign extraction. But it is better to appeal, in matters of this kind, to figures and facts, than to the passions and the feelings of the audience, and, instead of being pathetic, calmly to inquire whether the rate per cent. of the duty levied on barley, compared with the prime cost of this article, is so

much higher than the corresponding rates on the other articles that compete with beer.

The duty on malt is two shillings and sevenpence per bushel, or about fifty-seven per cent. on the price of the article. The duty on other articles of general consumption, compared with the cost price, is as follows :—

| | Rate of Duty. | Rates per Cent. on Market Prices. |
|--------------------|---------------|--------------------------------------|
| On Port and Sherry | 5s. 6d. Gall. | 85 |
| Coffee, West India | 6d. lb. | 63 |
| Ditto, East India | 9d. lb. | 106 |
| Tea | | 100 |
| English Spirits | 7s. 6d. Gall. | 333 |
| Rum | 9s. 6d. — | 407 |
| Brandy | 32s. 6d. — | 627 |
| Geneva | | 930 |

Such are the facts of the case, and I will ask the hon. Gentleman, whether the increased consumption of the several articles I have named can justly be attributed to any favour shown to them in the amount of duty as compared with that upon beer?

I shall proceed in the review of each of the several allegations and arguments of the noble mover and seconder of the motion. I wish to omit none of them; but calmly to submit each to the test of accurate inquiry and fair reasoning. The noble Lord and the hon. gentleman observed, that the House ought not to estimate the gain which would accrue to the consumer from the reduction of the duty on malt solely by the amount of that duty: for there are some enormous profits made by the maltsters, in which, as soon as the malt duty shall be repealed, the public will participate. The malt duty is 20s. 8d. per quarter, and the total amount received by the Exchequer is not more than 5,000,000*l.*; but, according to the statement of the noble Lord, a sum of 16,000,000*l.*, apart from the duty, finds its

way by some mysterious process into the hands of the maltsters, and is divided among them. I certainly do not pretend to understand whence this sum of 16,000,000*l.* comes, or the proportion in which it is divided among the happy maltsters; but, I will ask, is it credible that, in this country, and in an open trade, such extravagant profits can be made by the manufacturers of malt? Is it credible that, while the whole amount of revenue received by the Government on account of malt does not exceed 5,000,000*l.* the public is burdened with an additional charge of 16,000,000*l.*, which goes into the pockets of the parties by whom that article is manufactured? Is it likely that such enormous profits can be made in a trade which is open to all the world? There is in fact great competition in the malting trade. The number of maltsters is not less than 14,000; and there is one peculiar circumstance in that trade which will always ensure a great competition—which will draw into this trade speculators who will not, and cannot, enter into other trades. The manufacture of malt is, in fact, carried on in a considerable degree by capital provided by the public. The maltster, by giving bond, is allowed to defer the payment of duty, although he realizes the amount of that duty on the sale of the article, and is enabled thereby to make a fresh purchase of barley. But it is said the difference between the price of barley and the price of malt is alone sufficient to prove the enormous profit of the maltster. I recollect a calculation on this head, which was made by the hon. member for Oldham last year. The hon. member stated the price of barley to be 25*s.* per quarter, and the rate of duty to be 20*s.* 8*d.* per quarter; I therefore conclude that the price of a quarter of malt ought to be, independently of the charges of its manufacture, 45*s.* 8*d.* But the hon. member said, that in point of fact, the quarter of malt cost 66*s.*;

so that a clear profit of 19*s.* per quarter at least went into the pockets of the maltsters. It is well, in discussing any subject, to have the latest information respecting it that can be obtained; and I therefore sent this morning to Mark Lane, to learn what is the price of barley, and the price of malt of equal quality; so that I might be able to judge whether the statement respecting the enormous gains made by the maltsters is well-founded. I am informed that the price of good malting barley in Mark Lane this day is from 36*s.* to 40*s.* per quarter. That is undoubtedly a pretty good price for barley, for the article of which, notwithstanding the high price, the consumption has, according to the last returns, increased, instead of having diminished. Adding to the price of the quarter of the best barley, namely 40*s.*, the amount of the duty on malt, which is 20*s.* 8*d.*, the price of malt, independently of the cost of manufacture, ought to be 60*s.* 8*d.* per quarter. The price of the best malt in Mark Lane is, in fact, 66*s.* per quarter, leaving a difference of 5*s.* 4*d.* between the price of malt and the price of barley, increased by the amount of duty. Now, I do not think, that after deducting the actual expenses of malting from the sum of 5*s.* 4*d.* any such profit would remain to the maltsters as would enable them to divide that mysterious gain of 16,000,000*l.*, which the noble Marquis has assigned to them.

The noble Marquis (Chandos) and the hon. member (Mr. Handley) have spoken of the advantages which would result from the remission of the malt-duty, in consequence of the facility which would thereby be afforded to the farmer of malting his superior barley, not for the purpose of making beer, but of feeding his cattle. Now, I have the satisfaction of being able to inform my noble friend, that my object is in a great measure effected by an order of the Board of Excise, which I am anxious to

make public, and which I regret has not been sufficiently known before. I apprehend that it is not necessary that barley, for the purpose of rendering it suitable for feeding cattle, should undergo the process of malting. I understand that, if the barley were steeped and afterwards dried, all those saccharine qualities which make barley peculiarly useful as food for cattle would be developed. I believe that the hon. Gentleman (Mr. Handley) has stated that it would be highly advantageous to the farmer to be enabled, not to malt, but to steep his barley for that purpose. I certainly do not credit the assertion that two bushels of malt equal in nutritive quality three bushels of barley.

Mr. Cobbett observed that more nutriment was contained in two bushels of malt than in three bushels of barley.

Sir R. Peel:—I do not think such an assertion is correct. I know that two bushels of malt will not produce the same quantity of spirit as two bushels of raw barley: and I therefore cannot understand how it is possible for the former to contain fifty per cent. more of nutritive quality than the latter. I will now read the order of the Board of Excise to which I have already alluded, and to which I desire that the greatest publicity may be given. It is in the following terms:—

“ The practice of steeping barley in water to prepare it as food for cattle having become prevalent, and as the revenue may be injured by the application thereof to other purposes,—ordered that the respective supervisors and officers endeavour to ascertain the parties who carry on this practice within their several districts, and their manner of disposing of the corn so steeped; but that no interruption whatever be given thereto, except upon actual proof, or well-grounded suspicion of fraud. Particular attention must be paid to the situation of the premises where the corn may be steeped, with respect to any kiln or oven upon or in which it could be dried, as well as to the proportion which the quantities of barley steeped bear to the number of horses or other cattle to be fed therewith;

and if any suspicious circumstance shall be discovered, the matter must be fully investigated, and the particulars stated to the Board."

It will be seen that the object of that order certainly is not to permit the malting of barley, but to afford to the farmer every facility to prepare that article for the purpose of feeding his cattle, which is consistent with the safety of the revenue.

One favourite argument in favour of the repeal of the malt-duty is, that it will encourage the poor man to brew his own beer. The arguments by which it is attempted to support that assertion appear to me exceedingly fallacious. What inducement can the poor man have to brew his own beer which he does not possess at the present moment? Why should he not at present buy his malt, and with that brew as much beer as he needs for his own consumption? The hon. member for Oldham argued, that in consequence of the high price of malt, and the large profits of the maltsters, it is quite impossible for the poor man to buy malt in retail, but that if you repeal the malt duty every man will be his own maltster.

But supposing that the malt duty were repealed, would the poor man then be in a better condition to compete with the great maltster? Would the poor man, in his small cottage, and with his limited means, be then better able to compete with the great maltsters, with extensive capital, great skill, great experience; and with buildings and floors, and cisterns and kilns, all suited to the purpose of making malt on a large scale? If not, what greater temptation would he have to brew than he has at present? Oh, it will be said, he will be relieved from the duty; and will not the regular maltster be relieved from it also? How will their relative position be altered? How will the means of the maltster to manufacture an article of equal quality at a less price be diminished? What gain is it to the poor

man to be able to manufacture a bad article at a high cost? But again, if the poor man is so much disposed to brew his own beer, how is it that he did not do so previously to the repeal of the duty on beer? At that time a very heavy duty per barrel attached to the great brewer, which the poor man, who chose to brew in his own cottage, was not called on to pay. But if the poor man did not then brew his own beer, having that advantage, why should it be supposed that he will do so now, when he certainly will not have an advantage equal to that which he had then? The hon. Gentleman (Mr. Handley) has said a great deal against the beer-shops, and like many others, who are very warm panegyrists of what they call our old national beverage, seems to think that if beer be drunk in beer-shops all its salutary qualities vanish at once. He has come to the conclusion that beer is a noxious fluid, unless it is drunk by labouring men in their own houses, after having been brewed by their own hands. But I entreat the House not to consent to the loss of 5,000,000*l.* of revenue, under the delusive expectation that encouragement will thereby be given to the agricultural labourers to brew and drink their beer in their own cottages. The same reason which induces them to go to the beer-shop at present will continue to operate after the repeal of the malt duty. At this moment, if the labouring man purchases his beer at the public-house, and takes it away to drink at his own house, he may have the beer at a reduced rate. There is a considerable difference between the price of a pot of beer purchased at the public-house and carried away, and the price which is charged to a man who sits down and consumes a pot beside the fire in the public-house. Notwithstanding this difference of charge, there is, however, something in the charm of a good fire and of good company, which tempts the labourer to pay an additional penny for his pot

of beer. And, after the repeal of the malt duty, which will not reduce the price of the pot of beer more than a halfpenny, I believe that the same temptation will still exist, and that the public-house, the natural love of society, the harmless, I must say, enjoyment of it, if not carried to excess, will be preferred to the solitary pot of beer brewed by bad brewers, with bad utensils, from bad materials. Let not the House, then, hazard a large amount of revenue for the sake of creating a small reduction in the price of a pot of beer, which, after all, will not be attended with the effect anticipated by its advocates.

The hon. Gentleman (Mr. Handley) has spoken about the possibility of finding substitutes for the malt-tax, but he has only mentioned a few of these substitutes. This is undoubtedly very prudent on the part of the hon. member, especially when the fate which has attended the member for Lincolnshire, the *late* Sir W. Ingilby—I mean to say the *late* Chancellor of the Exchequer—for that was the character assumed by the hon. Baronet—is taken into consideration. The fate of the hon. Baronet, according to the hon. Gentleman, (Mr. Handley,) is a warning to all hon. members against appearing in the assumed part of Chancellor of the Exchequer. That hon. Baronet, it appears, had made a most popular motion on the subject of the malt duty, by which he conciliated all the advocates of the repeal of the tax. However, he unfortunately thought it necessary to suggest a few substitutes in the place of the malt-tax, which destroyed all the popularity which his motion for the repeal of that tax had gained for him, and cost him his seat in Parliament. He lost his election even for an agricultural county. Such was the odium he excited by his praiseworthy efforts to discover substitutes. I, then, ask the agricultural members to take warning by this, and

to reflect, that, if the modest suggestion of new taxes cost Sir W. Ingilby his seat for a most agricultural county—what will become of their seats, if they have mixed constituencies, and actually vote for the new taxes that must be proposed? I will ask them this question—Granted that there would be an advantage to agriculture in this repeal of the malt-tax, would that advantage be general or not? What description of agriculture, let me ask, is distressed? Are the light barley lands suffering most at the present moment, or the pasture lands, or the clay lands which grow wheat? Is it not notorious that the clay lands growing wheat are the sort of land which, at the present moment, is suffering under the greatest depression? The only effect of repealing the malt duty will be to force the clay lands into an unnatural cultivation, and the owners will be induced, instead of growing wheat, to try the expensive cultivation of barley on unsuitable land. Supposing that the available surplus of the revenue could be applied to the remission of the county-rates, or to those local charges to which all land is subject, would not the advantage resulting from that remission be more equally distributed over the whole land than a reduction to the same amount of the duty on malt? The noble Lord and the hon. Gentleman opposite propose to give the whole advantage of the remission of the malt duty to the barley-growers, though that class of agriculturists is of all the least distressed.

I am conceding, for the sake of the argument, that the barley-grower is to be greatly benefited by the repeal of the malt duty, but I cannot help thinking that, if the present motion succeeds, the barley interest itself will suffer more injury than many hon. Gentlemen are perhaps aware of. By allowing the maltsters to give security for the amount of duty, and suspending for a time its payment, a capital belonging to the public, amounting to about 3,000,000*l.*,

may be said to be lent them for the purpose of carrying on trade. In consequence of this practice, individuals with small capital are enabled to engage in the manufacture of malt. If, however, the duty were repealed, this advantage given to small capitalists would be withdrawn, the public money, applied as so much additional capital in the purchase of barley, would be withdrawn also, and the result, quite opposite to that expected by the advocates of the repeal of the duty, must inevitably be, that the malting trade would be much more monopolized than at present by a few large capitalists. It is taken for granted that increased consumption of malt must follow diminished duty. This may be so for the future, but it certainly has not been so for the past. There are some striking proofs in the history of the malt duty to show that the consumption of malt is influenced much more by seasons and other circumstances, than by the rate of duty. In 1816 the duty was 4*s.* 6*d.* per bushel. The average consumption of the two preceding years was 25,500,000 bushels. You reduced the duty in 1816 from 4*s.* 6*d.* to 2*s.* 6*d.* Was there a great increase of consumption? By no means. The average consumption of the two following years, that is, under the reduced duty, was only 22,700,000 bushels, a falling off of near 3,000,000 of bushels, instead of an increase. You raised the duty, in 1819 to 3*s.* 7*d.*, and the average consumption of the two following years was 25,000,000 bushels, an increased consumption under an increased duty.

I wish to call the attention of the House, and particularly of the agriculturists, to another and very serious risk they will incur from the total repeal of the malt duty. My noble friend said, that if the malt-tax were taken off, there would be a great increase in the consumption of beer. Now, I have an impression that the very contrary effect

But, at any rate, if any reduction is to be effected, let the question of such reduction be looked at abstractedly with reference to its own merits, and not with a view to substitute the sum thus saved for the produce of the malt-tax. But I cannot persuade myself that any man, bearing in mind the reductions that have been made, and the demands of the West India proprietors on the public purse, can hope to replace the 4,800,000*l.* which the malt-tax furnishes, consistently with the maintenance of the public honour and regard to the interests of the country, by any considerable reduction in the sums voted for the public service. But the money must be obtained from some source. I will, however, caution those gentlemen who look for a substitute for the malt-tax in an increased duty on other articles of consumption, against hoping that an increased duty either on wine or spirits, at least, will lay the foundation of a large permanent addition to the revenue of the country. First, as to spirits; of what benefit will it be to the agricultural interest that a heavier tax should be laid upon spirits? What are they made from? They are distilled from corn. If an additional tax of one shilling a gallon were to be imposed on spirits, it would be equivalent to laying a tax of sixteen shillings a quarter on malt. I believe that from a bushel of barley can be obtained two gallons of spirits, and thus there will be laid a tax of sixteen shillings a quarter on barley, and that too on the poorest kind of barley. But there are other considerations which affect this question. In the course of last session, Parliament enacted that there should be a reduction of the duty on spirits in Ireland, and yet some hon. members are now favourable to the project of increasing the duty on Irish spirits. Now I consider this unsteadiness of purpose, this constant vacillation, as the unwise course that can be adopted by a legislative as-

sembly. In the course of last session the duty on Irish spirits was lowered from three shillings and fourpence to two shillings and fourpence a gallon, yet it is now in contemplation to increase the duty. Perhaps, however, this objection may be met by a proposition to raise the duty on spirits in England only, leaving Ireland subject to the present rate of duty. But surely the difference of duty between English and Irish spirits is already sufficiently great. Surely it will not be wise to increase the present rate of duty in England, namely, seven shillings and sixpence; leaving Ireland subject to a duty of only two shillings and fourpence. Such an unequal rate of taxation will offer a temptation to smuggling too strong to be resisted. It could not be otherwise than that, with so large a bonus thus held out to the unfair trader, he would fully avail himself of the advantage which the Legislature would afford him. But you may propose to tax Ireland and England in this respect in the same proportions, and to increase the duty in Ireland as well as in England. First let us ascertain what has been the result of the reduction of the duty on spirits in Ireland. I have this morning received an account, from which it appears that, on a comparison of the last four months with the corresponding period of last year, 1,000,000 gallons more spirits had been brought to charge. With the knowledge I possess of this fact, I hope to be excused for asking whether the hon. members who advocate the increase of the duty on spirits are quite sure they would raise the revenue by that method of taxation? But this is not the only danger. If, by increasing the duty on legal spirits, you hold out a premium to illicit distillation, that distillation will not necessarily take place from grain. The farmer must not flatter himself that he will find an increased demand for agricultural produce from the illicit trader. If you encourage by high

duties a fraudulent manufacture of spirits, the article employed will be not grain but molasses, on account of the greater facility in the process of conversion into spirit, and the readier means of escaping detection. No one denies that spirits are a fair subject of taxation, of taxation to the highest point that is consistent with the collection of revenue. But this should never be forgotten, that the discoveries in science, and improvement in chemical apparatus, increase the facilities of fraud more rapidly than the facilities of detection. At this very moment illicit distillation of spirits is carried on in large towns to an extent which we had better not encourage by any considerable increase of duty on the legal supply. I hope I have satisfactorily shown that, by attempting to make an addition to the duty on spirits, there is considerable risk that, while you will benefit no one interest, you will injure agriculture and ruin the revenue.

I now come to the third substitute proposed for the malt-tax—namely, a property-tax. Under circumstances not dissimilar to the present, excepting that the late Chancellor of the Exchequer had then at his disposal an available surplus of 1,500,000*l.*, it was proposed to repeal half the malt-tax and the house and window-tax, amounting in the whole to five millions sterling. The House then determined by a very large majority, that such a deficiency could only be supplied by the imposition of a property tax. Now my prophecy is, that you will make that tax necessary—to that you must come at last—if you repeal the malt-tax. You will try your taxes on articles of general consumption, on tobacco, and spirits, and wine; and you will meet with a storm which will make you hastily recede from your first advances towards a substitute. To a property-tax, then, you must come; and I congratulate you, Gentlemen of the landed interest, on finding yourselves relieved from the

pressure of the malt-tax, and falling on a good comfortable property-tax, with a proposal, probably, for a graduated scale. And you, who represent the heavy land of this country—the clay soil—the soil unfit for barley, I felicitate you on the prospect which lies before you. If you believe that the substitute will be advantageous to your interests, be it so ; but do not, when you hereafter find out your mistake, lay the blame upon those who offered you a timely warning, and cautioned you against exchanging the light pressure of a malt-duty for the scourge of a property-tax.

My noble friend (the Marquis of Chandos) has made some calculations to which I hesitate to subscribe ; certainly I think he has made a mistake in some of his figures. My noble friend has calculated that the extent of advantage which will accrue by the repeal of the duty on malt to a farmer occupying a farm of 250 acres, will amount to between seventy and eighty pounds a year. Now I have certainly never heard so favourable an account as this of the present state of agriculture, that a farmer of land of that number of acres consumed so much beer as to make that difference to him in a single year. I believe that the average quantity of beer consumed on a farm of three hundred acres is about one hundred bushels of malt a year, and yet if my noble friend's calculations are correct, the occupier must consume something like five or six hundred. But I will resume at the point from which I broke off.

I have been diverted from the consideration of the manner in which a property-tax would operate as a substitute for the malt-duty. The hon. and learned member for Ireland—I mean for Dublin—in reference to the imposition of a property-tax, said on a former occasion, that, if it was to be laid on, it ought to affect all his Majesty's subjects equally, and certainly this was no more than justice. I beg, then, the representatives of Ireland to consider what

will be their situation if they vote for the repeal of the duty on malt. It would be infinitely worse than that of the occupiers of clay soils in England. Ireland pays at present but 240,000*l.* out of the 4,800,000*l.* which the malt-tax produces, and it would be a great hardship to Ireland to have a property-tax imposed upon her as a countervailing substitute for her moderate proportion of the malt-tax. They may depend upon it, however, that a property tax is inevitable if the malt-tax is repealed, and the attempt, I will not say, to levy that tax, if imposed—for I must presume the people of Ireland would obey the laws—but to impose the tax in this House, would be a fruitless undertaking.

I now come to the fourth alternative; that is, to make a deficit and nothing else: and I am afraid there are many members who, when it comes to the trial, will (professing, no doubt, much reluctance) make up their minds to act in that manner,—who, upon the whole, will prefer the plan of a large deficit, and no substitute. The hon. member (Mr. Handley) has recommended a small loan, but why not a large one? Why hesitate about the amount of new debt in time of peace, if once you affirm the principle? The hon. Gentleman indeed offers the security. “Sell the crown-lands,” he says; “exact the utmost farthing from the crown lessees.” This is the first time I have heard the complaint that the Crown was too indulgent a landlord, or that the crown lands afford the means of a large permanent increase to the revenue.

This, after all, is the great question to be resolved by this night’s debate. Shall we maintain the public honour, or shall we enter on the disgraceful course of *deficit*, and suspension of payment, and breach of national engagements? Has honesty been bad policy? Have you suffered pecuniary loss from being honest? Is it not a fact that, by keeping up the value of the public securities, and

faithfully performing the national engagements, the Government of the country has been enabled, since the year 1822, to reduce the annual interest of the public debt to the amount of 2,350,000*l.* If they continue to pursue the same course they will derive the same advantages. They have a debt of 250,000,000*l.* in the three and a half per cents alone, which they may hope to redeem at no distant period. They have the experience of the benefits of good faith, not only in point of character, but of substantial gain; but if you are careless to secure the honour of England and to maintain the national credit, you will simultaneously forfeit a good name, and dry up the sources of future and of honourable economy. I hope the House will not enter on the tortuous path of contradiction and vacillation, into which the adoption of this motion would force it. I warn you not to forget that, on this very question of the malt-tax, you have, on three different occasions, retraced your steps. In the year 1816 the House of Commons took off a part of the malt tax, but found themselves obliged to put it on again in 1819. In March 1821, the House, by a small majority, repealed the tax, but in one month after, in the following April, they were obliged to rescind this vote, the offspring of their hasty legislation. In the year 1833, the House, in a moment of delusion at the prospect of the advantages expected from the remission of this tax, resolved that it should be partly repealed, but on reflection they found it necessary to rescind on the Monday the resolution to which they had come on the previous Friday, and passed a counter-resolution in the following words:—"Resolved, that the deficiency in the revenue which would be occasioned by the reduction of the tax on malt to ten shillings the quarter, and the repeal of the tax on houses and windows, could only be supplied by the substitution of a general tax upon property and income, and an extensive

change in our whole financial system, which would at present be inexpedient." If, then, a majority of the House should agree to the motion of my noble friend, and if they shrink hereafter from the dishonesty of a deficit, there will be no other safe alternative but retraction and repentance and the replacing of this malt-tax. It is from my desire to rescue Parliament from the charge of vacillation and inconsistency, from the shame, the certain shame, of rescinding an unwise and hasty vote, that I respectfully but most earnestly counsel you not to take the first step in ways which lead to dishonour.

I have been told that there is no hope of preserving the malt-tax, that there are so many members pledged to their constituents to repeal the malt duty, that they cannot help themselves, and must vote in favour of its abolition. But my uniform answer has been, that I never would believe that public men, invested with a sacred trust, had committed themselves irrevocably beforehand, that they would refuse to listen to discussion, and give a vote against evidence, against conviction, against conscience. I have paid them the willing compliment of trusting in their integrity and wisdom, and have rejected the odious imputation that they would sacrifice the real interests of their constituents and their country, for the mere purpose of satisfying an impatient clamour, or redeeming pledges which must have been conditional that the redemption of such pledges would *bonâ fide* serve the parties to whom they had been given. I have a full assurance that the vote of to-night will prove that my confidence in the House of Commons has not been misplaced; but, be that as it may, my own course is clear: I am bound to give that advice which appears to my judgment the best, and to leave those who reject it responsible for all the consequences of a rash and unwise decision.

ON THE ADMINISTRATION OF JUSTICE IN
ECCLESIASTICAL COURTS.

March 12, 1835.

On the 12th of March, the Attorney General moved for leave to bring in a bill to improve the administration of Justice in Ecclesiastical Courts. He said, that the leading object of this bill was to consolidate some 300 or 400 courts, which were dispersed all over the country, and which were incompetent to perform those functions of justice which had been assigned to them, and to concentrate the jurisdiction in ecclesiastical matters in one court, to sit either in London or wherever his Majesty should be pleased to appoint.

Dr. Lushington, Sir John Campbell, Dr. Nicholl, and Mr. Cutlar Fergusson having expressed their approbation of the principle of the proposed measure, the Chancellor of the Exchequer rose and spoke as follows :—

I trust, that this House will receive the present measure as the first practical fulfilment of the pledges given in his Majesty's speech from the Throne, that his Majesty's ministers were desirous of introducing into the administration of the law the most substantial reforms, and of redressing every grievance, of which just complaint can be made. I do hope, that it was some kind of prognostication of the nature of those reforms, which convinced the hon. member for Middlesex, that it was not necessary to hold over his Majesty's ministers the menace of limited supplies. The hon. member will see in the strong and uniform testimony borne to the efficacy of this reform, a guarantee of the intention of his Majesty's ministers, with respect to reforms in general. This reform in the Ecclesiastical Courts throughout the kingdom is founded on the Report of a Commission of Inquiry, established upon the advice given

by his Grace the Duke of Wellington to the Crown. Nothing can be further from my intention, than to claim for his Majesty's ministers the exclusive merit of this reform. Few things are more honourable to party connexions in this country than the manifestation on the part of public men of a willingness to co-operate in measures of reform, that are complete and well calculated to promote the public welfare. The hon. and learned member, who spoke last, (Mr. Cutlar Fergusson) has, with a modesty and forbearance most creditable to himself, concealed the fact, that he was one whose co-operation had been of such signal utility to the inquiries of the commission. The hon. and learned Gentleman, and the hon. and learned member for the Tower Hamlets, (Dr. Lushington,) notwithstanding their total alienation from that political party by which this commission was instituted, were not unwilling to tender their gratuitous and invaluable services to forward all the purposes of the commission. I do say, that such conduct redounds much to the honour of the hon. and learned member; and that it redounds generally to the honour of Gentlemen, who, notwithstanding all their differences in party politics from the Government of the day, were the first to tender their services to perfect the laws of the country. A grateful testimony has likewise been borne to the dignified ecclesiastics, and to the clergy throughout the country, who were willing to sacrifice their private patronage, and to cast aside all personal interests, in order to benefit the country by promoting the objects of the commission. I find this conduct has been invariable on the part of the right Reverend Prelates, notwithstanding the attacks that have been made on them in other quarters. Yes, Sir, uniformly have they evinced the same disposition to sacrifice every private consideration, in order to further the progress of useful reform. As soon as his Majesty's commission was

established, the first offer made by every member of that commission, whether ecclesiastical or lay, was to suspend every appointment to ecclesiastical preferments which had not attached to them a cure of souls, until the report of the commissioners should decide upon the utility or inutility of filling up the places. Such has been the conduct of the Archbishop of Canterbury, of the Archbishop of York, and of the Bishops of London, of Lincoln, of Gloucester, and of the Lord Chancellor. All signified to the commission, that not one of them would make any appointment to any ecclesiastical preferment whatever, till the circumstances of the preferment had undergone the consideration of the commission, and until it had been determined in what manner the preferment could be made most beneficial to the interests of the Church.

With respect to the particular measure before the House, I go further, much further, than some of those hon. Gentlemen who claim to themselves the title of Reformers. The hon. Gentleman, the member for Cambridge, (Mr. Pryme,) advises that the Local Ecclesiastical Courts should be continued in existence, while the whole object of the present Bill is to put an end to these local courts. Another hon. and learned member (Sir J. Campbell) has said that the Diocesan Courts should be continued, lest the country attorneys might petition the House, and oppose the Bill, through the medium of country gentlemen, whom they may be able to influence. Why, Sir, I am a greater Reformer, than even his Majesty's late Attorney-General. If the local jurisdiction be good, maintain it; if bad, for God's sake, don't let us permit local attorneys, for their private and personal interests, to obstruct the course of reform. If the country attorneys have any vested rights, any vested interests, in the maintenance of these courts, let us compensate them; but if it be useful, if it be for the benefit of

the country at large, that central courts shall be established, and that local courts be abolished, what grounds have country solicitors to obstruct the course of reform? I know that the country solicitors are a powerful body; but if the present measure be right, if centralisation be more advantageous to the country than the continuance of local jurisdiction, I see no earthly reason why the power of the country solicitors should impede the progress of reform.

I am one of those who think that the jurisdiction of Parliament ought to be trusted and relied upon. Most undoubtedly, no one can witness, with any degree of satisfaction, the examination of witnesses at the bar of this House, on occasion of proceedings for divorce; but still, I think, that such a course is not without an indirect effect upon the public mind and morals. I am not of opinion, that an easy mode of obtaining divorce would be attended with much advantage, nor am I that great admirer of the Scotch system, in this respect, that some hon. members profess to be. I very much doubt, indeed, that it would be at all for the public benefit that local courts should have the jurisdiction of granting divorce *a mensa et thoro*. Such facilities would not be unlikely to lead to much collusion, particularly where females were concerned. The greatest confidence should exist in any tribunal possessing a jurisdiction of this nature, and too much care cannot be taken in the establishment of such a court.

I should be doing great injustice to Sir John Nicholl, and Sir Herbert Jenner, if I did not take this occasion to acknowledge the prompt, willing, and efficient assistance I derived from those learned and distinguished civilians, as members of the commission, voluntarily tendered immediately on my return from abroad and my appointment to office. Am I not, then, justified in saying, that where effectual reform is seen to be necessary, there is no indisposition

in the highest authorities of the country to give their assistance towards so desirable an end. I entirely agree with those who feel that there never can be a perfect system of law reform established, until all judicial sinecures shall have been destroyed. In any measures intended to be effective, provision must be made to abolish judicial sinecures. I, myself, introduced a Bill to destroy those abuses, and I believe with no little success and benefit; but, if any still remain uncorrected, I will give my support to any Bill, the object of which may be to render as pure as possible every thing connected with the administration of justice.

Mr. Hume had not intended to trouble the House on this question, but the right hon. Baronet's personal allusion to him, rendered it necessary that he should say a few words. The right hon. Baronet had asked him, whether the introduction of this bill, was one of the reasons which had induced him (Mr. Hume) to alter the course which he had originally intended to pursue, with respect to the supplies? His answer was, that, in changing that intention, the measure under consideration, never, for a moment, entered into his contemplation. It would seem that the right hon. Baronet assumed great merit for the introduction of this bill, and that he wished it to be considered as a guarantee of the intentions of his Majesty's present Government on the subject of reform. The fact was, that the right hon. Gentleman had crept into the nest of the late administration, and was then hatching the eggs which his predecessors had laid; and now, forsooth, he was taking great credit for the incubation. He believed the right hon. Baronet had brought the matter forward, simply because, in consequence of the declaration which he had given, he could not stop its progress. If the late Government had been suffered to remain in office, it would have been their first work. The bill was ready drawn. He had said that it was the Duke of Wellington's government which had appointed that commission; the truth was, that the country was indebted to him (Mr. Hume) for that commission. It was in consequence of his strenuous resistance to the bill for granting a sinecure to the son of the late speaker—a bill on which, he was proud to say, he had divided the House seven times—that he was in the end enabled to

wring from ministers a pledge for that inquiry, to carry which into effect a commission was appointed. If the right hon. Baronet had not directly alluded to him, so great was his objection to interfere in a legal question, that he would not have said one word. But he could not, and he would not, while he had a leg to stand on, sit still and suffer his assumption of the credit of a measure which did not belong to him. As he was talking of legal reform, he would ask the right hon. Gentleman if he would carry out the act, respecting local courts or any other of that kind?

Sir Robert Peel resumed :—

In answer to the question put to me by the hon. member for Middlesex, I reply that it is the intention of his Majesty's Government to introduce a bill for facilitating the local administration of justice. [Mr. Hume said, his question had reference to county courts.] What is the difference? Are not county courts a local administration of justice? The bill which I have stated it to be the intention of his Majesty's Government to introduce, is for facilitating the local administration of justice; and the hon. member will have an opportunity, on its introduction, of expressing his opinion as to the best mode of securing that object. The hon. Gentleman has entirely mistaken some of the observations which have fallen from me. I have not denied that the late Government were prepared to bring in a measure similar to the present; I have merely stated what was the fact, namely, that the commission, upon the report of which the measure is founded, was instituted by the Duke of Wellington's administration. There is no merit in merely drawing the bill; for it is drawn from the suggestions contained in the report made by the hon. and learned Gentleman opposite, and the other members of the commission. So far from having shown any want of candour, on the occasion, I have given merit to those to whom it was due.

The hon. member for Middlesex has been wonderfully

learned, and curiously facetious, upon the subject of incubation. The hon. Gentleman has recently had some practical experience of the throes of labour and the anxious cares and doubtful results of the process to which he has alluded. The hon. member has laid an egg, which he could neither hatch himself, nor get anybody else to hatch for him. What is to become of this redoubted egg? It was, after an appropriate prelude, laid a week since; there was, then, a grave doubt as to whether it was to be hatched by the hon. Gentleman or some other hen; but, after all this patient agony of incubation, it appears that neither the hon. member for Middlesex, nor any other biped, feathered or unfeathered, can bring this egg to maturity. I have found an excuse for the hon. Gentleman for deserting his nest, in the earnest of reform measures, which have been given by the Government, but, instead of receiving it as a courteous assistance, he has accused me of creeping into the nest of the late ministry.

ON THE APPOINTMENT OF THE MARQUIS OF LONDONDERRY AS AMBASSADOR TO RUSSIA.

March 13, 1835.

On the appointment of the Marquis of Londonderry as ambassador to Russia, Mr. Sheil moved, on the 13th of March, "That an humble address be presented to his Majesty, praying that he be graciously pleased to order that there be laid before the House a copy of any appointment made within the last four months of an ambassador from the court of London to St. Petersburg, and of the salary and emoluments attached to such embassy."

Mr. Cutlar Fergusson seconded the motion.

In the course of the discussion which ensued, Mr. Ord expressed his surprise, that on a question of so much importance the Chancellor of the Exchequer had not addressed the House. He observed that a noble Lord (Lord Stanley) had expressed his belief that the appointment in question was foreign to the inclinations of the right hon. Baronet (Sir Robert Peel;) but he (Mr. Ord) could not believe that it was so, as it depended upon the nomination of the chief adviser of the Crown.

The Chancellor of the Exchequer spoke to this effect:—

I was certainly not aware that to the other charges to which I am liable could with any degree of justice be added that of an unwillingness to take a fair share in the discussions of this House; and I confess it was with no small degree of surprise I heard the hon. member who spoke last but one (Mr. Ord) in this debate attribute it to me. While, however, I quite admit the right of that hon. member—or any other who may coincide with him in thinking, that I am called upon to defend my conduct with reference to the appointment in question—to comment upon my silence, I must claim from him in return the right of postponing that defence until such time as may appear to my own mind best suited for that purpose. But, sir, even if I were not to avail myself of that prerogative, I think it will not, upon consideration, appear unreasonable to the House that I should have, at all events, up to the present moment, refrained from presenting myself to their attention. I think, when I am told from so many quarters that, be the result of Lord Londonderry's appointment what it may, the main responsibility must at all events rest on me—when I am in general terms informed that the government to which I belong will forfeit the confidence of those over whose interests they are appointed to preside by selecting for the situation of ambassador to the court of Russia an individual whose conduct disentitles him to that honour; it is natural

that I should wish to hear what are the specific charges which can be adduced against that noble Lord, or against myself, before I take an opportunity of making a reply in his, or my own defence, the more especially when it is quite clear that, in compliance with the forms of the House, I can address it only once.

Upon the question of responsibility, I have but little to say. I trust I never have shrunk, and never shall shrink from any responsibility which properly could be said to belong to me, or try to transfer to another the responsibility that ought to attach to myself. I admit, distinctly admit, that, for whatever may be done in any department of the state, practically though perhaps not constitutionally, I, who have the honour to fill the first post in his Majesty's Government, ought to, and will, while I retain that situation, consider myself, altogether responsible to my sovereign and to my country. I do not hesitate here, in my place in Parliament, to declare that for every step taken in this appointment there is no individual belonging to the cabinet who has contracted greater responsibility than myself, and, whatever may be the course the House may think fit to take in consequence of that appointment, it shall never find me either anxious or desirous to shrink from the declaration I now make. That the appointment of Lord Londonderry to the post of ambassador to the court of Russia, or any appointment to office, however insignificant, under the present administration, has failed in giving satisfaction to certain hon. Gentlemen opposite, I do not, I cannot, doubt. Is it not perfectly notorious that there is no one appointment connected with the present Government which gives them the slightest satisfaction? Nor is it very wonderful that such should be the case. Don't I know—don't we all know—that in proportion as men take an active part in politics, and in proportion as they desire to see the party they espouse gain

the ascendancy in the state, in exactly the same proportion will the appointments of a Government which exists in direct opposition to them be, at all times, and especially at the moment they have ceased to hold power, unsatisfactory to their feelings, and consequently the objects of condemnation in their speeches? Have they expressed dissatisfaction at Lord Londonderry's appointment only? Why, not one single individual composing the Government is acceptable to them—not one single appointment which the Government has made appears to give them satisfaction. Even their old friends and allies—even those whose co-operation and assistance they courted when they were in office—have now become the objects of their attack and condemnation. Is not the Attorney-general for Ireland under the late administration the Attorney-general for Ireland under the present Government? And yet, are we not reproached with even that appointment? Is not my right hon. friend, the Paymaster of the Forces, denounced by hon. members on the other side as unworthy of the trust reposed in him? Did not the noble Lord, the leader of the opposition, contrary, I must say, to his usual practice, and contrary, I must also say, to what prudence ought to have dictated to him above all others, rake up the forgotten quarrels of 1829, and, speaking of the language used by the right hon. Baronet at a time of great excitement, and, with reference to a measure upon which the greatest difference of opinion prevailed, attribute to him expressions which, if the right hon. Baronet ever used them, and I possess not the slightest recollection of his having done so, he must in his calmer moments have regretted; and the noble Lord having done so, did he not urge the inexpediency of his having been selected to fill an office under the present administration? [Cries of "Hear, hear!" from the opposition.]

Hon. members, on the other side of the House cry

"Hear, hear!" but, sir, let me ask, is it or is it not the fact that my right hon. friend, whose appointment to the situation of Paymaster of the Forces is considered so convincing an indication of illiberal dispositions on the part of the Government—whose appointment is considered sufficient to condemn, in the eyes of the people, the whole policy and intentions of the Government—is, I ask, the report, which at the time was very generally credited, that my right hon. friend was offered by the Government of Lord Grey a still higher appointment than that he now holds, true or false? ["No, no!"] All I can say is, I have heard it stated, and I have not before heard it contradicted, that the office of Secretary of War was offered to my right hon. friend. ["No, no!"] My right hon. friend did not himself tell me so, but as it was publicly stated, and as it has never been hitherto contradicted, I maintain I have a right to assume it to be true. [Renewed cries of "No, no!"] It was certainly so stated in the only vehicles of news to which the public at large have access, and sure I am that in those publications it was not contradicted. I know not, I repeat, whether the fact was as stated or not, but I do know that it was publicly stated, and that it was not publicly contradicted. ["Hear, hear!"] Well, then, I say, sir, if such an offer as that to which I allude was made to my right hon. friend, it is not fair to blame his appointment to an office under the present administration as an indication of its intention to pursue an illiberal or unpopular system of policy.

I come now to the particular question under discussion.—[Cries of "Hear, hear!" from the Opposition benches.] Surely hon. members opposite are not so impatient that they cannot spare me even five short minutes to make an ordinary preface to an ordinary speech. [Laughter.] Surely they are not so impatient as not to allow me time to

lay the groundwork for my defence. I will, however, not trifle with that impatience, but at once proceed to the point in dispute. As I said before, I have not the least doubt that the appointment of Lord Londonderry must be unsatisfactory to those members of the House whose policy is directly opposed to ours; but I want to know—and I thought from the course the present debate has taken that I might have attained that knowledge—what are the allegations, what the specific charges, which can be brought against Lord Londonderry, and upon what grounds it is that his appointment as Ambassador is to subject the Government to which I have the honour to belong to the censure of this House. Up to the present moment I believe the sole charge against the noble Marquis is—and it is the charge of the hon. and learned member for Kirkcudbright (Mr. Cutlar Fergusson)—that of his having expressed an opinion in his capacity of a peer of the realm, that the late Government had pursued their interference on behalf of the Poles to an unjustifiable extent, and that he had termed them “the rebellious subjects of the Emperor of Russia.” And is that alone sufficient to disqualify the noble Marquis from being employed under the Government? Why, sir, I heard but a few evenings since an hon. member on the bench opposite tell the House, that, unless every thing his Majesty’s Canadian subjects required was conceded to them by the British Government, they would become—I quote the hon. member’s precise words—“rebellious subjects of the King of England.” Is this sufficient in his own estimation to disqualify that hon. member from obtaining any Government appointment?

But, sir, putting for the moment out of view this consideration, I have to say, that the scraps of speeches upon which the hon. member for Tipperary (Mr. Sheil) has founded his allegations against the noble Marquis do not appear in

the authentic reports of the proceedings in the House of Lords. I have before me "Hansard's Debates," and there I cannot find them. [Mr. Sheil—They will be found in the "Mirror of Parliament."] I know not as to the "Mirror of Parliament," but I have here before me, certainly, an authentic work, and one which appears to be very carefully edited, in which I can find no such expressions as those attributed to the noble Marquis. I am not in a situation positively to deny his having used them; but I cannot find them in the very careful version of parliamentary reports I hold in my hand. But, sir, are we to judge of individuals by the language they may make use of in the excitement of debate? Do we not daily see here, within the walls of this our house of assembly, hon. members led away by the warmth of discussion, by their party feelings, or—and I shall not have to impose a great tax on the recollection of hon. members in stating the last of my incitements—by their desire to criminate a Government to which they entertain hostility—making use of expressions by which, in their calmer moments they would much regret being obliged to abide. This takes place almost every day, and is it, I ask, fair or just, that upon such evidence the conduct of a public man should be judged? The hon. member for Tipperary admitted, that, as far as Lord Londonderry's personal character is concerned, he has ever acted with the manliness which is inseparable from his mind and character. Is this, let me ask, an unimportant quality in an ambassador? The hon. member for Middlesex, in order to make out a case against the noble Marquis, has brought up the collateral question of the salary connected with the office of ambassador. Sir, let me ask what is that hon. gentleman's authority for stating that the salary of the Russian ambassador is 15,000*l.* a year?

Mr. Hume said he had stated, that the salary attached to the

office was 10,000*l.* a year, but that, in addition to that sum, there was an allowance of 1,000*l.* a year for a house, which with contingencies calculated at 4,000*l.* a year, brought the annual income of the office up to the sum of 15,000*l.*

The Chancellor of the Exchequer:—I do not exactly know how the fact may be, and therefore cannot deny the hon. member's statement. The hon. member may be right, but still I may say he is not so uniformly accurate in his statements, that I would wish to take it on his representation alone. But, be that as it may, is it exceeding the salary usually allotted to the ambassador to the court of Russia? Is it more than the salary allowed to Sir Stratford Canning? Is it not, in short, the rate of salary fixed upon by Lord Palmerston, and sanctioned by the late Government? What right, then, let me ask, has the hon. member for Middlesex—or any other hon. member—to endeavour to create an impression against the individual, by speaking of the amount of salary attached to the office he is appointed to fill? Is the amount of the salary sufficient to vitiate the appointment? If it be, reduce it. If the character of the individual selected makes his selection an improper one, attack it; but do not endeavour to create a feeling against the individual by joining the question of character with that of salary, which the present Government did not fix, but which they found established by their predecessors.

The hon. Gentleman's other accusation against Lord Londonderry was this—that he had been attacked in "The Times." He said, "You will find that twice in 'The Times' there have been severe attacks against him." The hon. Gentleman says, "The Times" is a fair indication of public opinion. Will the hon. Gentleman consent to take his own character from "The Times?" Now I think that is a very fair way of going to work; for if the hon. Gentleman comes down with "The Times" as a witness against

Lord Londonderry, and attaching the greatest importance to the opinions of "The Times," and its extensive circulation—brings "The Times" forward as the justification of his attack upon Lord Londonderry, I can only say, that he has a feeling for a witness not very favourable to himself. Lord Londonderry has long served the public in public capacities. I believe that no one can call in question the military pretensions of Lord Londonderry; and that no one will say that any officer, except the gallant general under whom he has served, has ever shown greater devotedness to the public service, or exposed himself in the course of that service to greater personal danger. [Cries of "Oh!" from the Opposition.] "Oh!" says the hon. member for Marylebone, ever ready to hear an attack on those to whom he is politically opposed, and ever equally ready to interrupt those who seek to defend the absent from unjust imputations. [Sir Samuel Whalley said that he was not the only member who had interrupted the right hon. Baronet.] I presume the hon. Gentleman will not require me to name such offenders, *seriatim*; at all events, the hon. Gentleman was one of those who interrupted my defence of an individual, for whom I again claim the credit of having nobly served his country; but I will not take up the time of the House by bestowing any more notice on the interruption.

Lord Londonderry was on the staff in the Duke of Wellington's army from the year 1809 to 1813, and adjutant-general in the army in Spain. I am aware that many persons may assert, that to show a successful military career and great devotion to the service is no proof of general ability; but I shall address myself to that part of the subject hereafter. My noble friend, Lord Londonderry, having been adjutant-general for a period of four years, and during a campaign of no ordinary difficulty, cannot surely be con-

sidered a very inefficient person. My noble friend served in a diplomatic capacity from the year 1813 till the year 1822. He was appointed minister at Berlin in 1813; he was appointed ambassador to Vienna in 1814; and he retired from the service in the year 1823, at his own request. Reference has been made, and I really think most unfairly made, to an application made by my noble friend for a pension, to which he thought himself entitled. He did not receive that pension—he put an erroneous construction on his claim. But suppose my noble friend did so, I will ask any man, I will refer the matter to any hon. Gentleman opposite, and ask him, as a private individual—can the circumstance of a public man, entertaining that opinion, and making that claim which was not acceded to, be fairly taken as evidence of his general character, and as proof of his inefficiency to serve the public?

Surely the main question, after all, is, as to the manner in which my noble friend conducted himself—not in his military capacity, not in his office as adjutant-general, though important duties were connected with it—but in the diplomatic situation he had held, of equal rank with that for which he has been now designed, and which he had held, for a period of ten years, in most critical times? It would not be difficult to obtain testimony to the conduct of my noble friend. No doubt, however, if an appeal were made to Lord Aberdeen, hon. Gentlemen opposite would object to the testimony of that noble Lord, or, if an appeal were made to the Duke of Wellington, they would equally protest against being bound by the noble Duke's evidence in such a matter. But if I refer to the opinion of Mr. Canning, can hon. Gentlemen object then? Can they refuse to receive the opinion of Mr. Canning as to the ability, as to the integrity, in short, as to the qualifications of my noble friend, Lord Londonderry? Mr. Canning, on his appointment to office,

on the ground, be it borne in mind, of his foreign policy, received the cordial support of hon. Gentlemen opposite. They overlooked his opinions on some matters of domestic policy, declaring that, out of consideration for the course taken by him in foreign politics, they were prepared to give his Government general and cordial support. It may be said that I am speaking of an early period of the life of Mr. Canning—but, considering that Mr. Canning was then in the situation of a minister of the Crown, there cannot be any one but must be proud of such a testimony to his ability and qualifications as that which I am about to read. When my noble friend, Lord Londonderry, expressed a wish to resign his situation at Vienna, he received the following letter from Mr. Canning :—

“ Foreign Office, October 15th, 1822.

“ MY LORD—Having laid before the King your Excellency’s despatch, dated the 26th ult. requesting his Majesty’s gracious permission to retire from the eminent post of his Majesty’s ambassador to the court of Vienna, I have received the commands of his Majesty to signify to your Excellency that his Majesty has been most graciously pleased to grant the permission you solicit, accompanied with an expression of his Majesty’s deep regret for the loss of your Excellency’s services, and of his Majesty’s full and entire approbation of the manner in which your Excellency has for a series of years, and in times of the most critical importance, conducted the affairs of the embassy intrusted to your charge, and maintained the intimacy and cordial good understanding so happily subsisting between his Majesty and his Majesty’s imperial ally.”

Such was the testimony borne by Mr. Canning to his noble friend, Lord Londonderry, on his resignation, on the last occasion on which he was employed in the public service ; and I must say that, considering the intimate personal acquaintance of my noble friend with all those who were concerned with, and the part he had himself taken in, the great

events which followed the year 1814—considering the proof given that he had performed his arduous duties most satisfactorily, (such being the opinion, as I have just read, of Mr. Canning,) I cannot believe that any angry speeches—I cannot believe that any such speech as that delivered at Hillsborough—I cannot believe that an application for a pension—will be sufficient to countervail the weight of that testimony which had been given by an impartial individual. I wish to know—apart from the extract produced by the hon. Gentleman (Mr. Sheil) and apart from the general prejudice entertained against my noble friend by hon. Gentlemen opposite—I wish to know what is the allegation against my noble friend which I have not met. Apart from that particular passage which the hon. Gentleman read, what, I again ask, is the allegation against my noble friend?

The hon. and learned Gentleman (Mr. Cutlar Fergusson) touched lightly on our relations with Turkey and Russia. The hon. Gentleman said it was the duty of Government to have taken steps for the purpose of preventing the Turkish barriers being crossed by the Russian army. I know not what some hon. members may think, but I am of opinion that the House of Commons would not have sanctioned the sending of a great military expedition, such as would have been necessary for the purpose of preventing the Russian troops passing the Balkan. In the first place, I entreat hon. Gentlemen to recollect the situation we were in at that time with respect to Greece: I greatly doubt whether any actual interference on the part of this country would have been effectual—I doubt that the House would have sanctioned it—and at all events I am of opinion that it must have terminated the negotiations which were then carrying on in behalf of Greece by this country. Then, if we had taken a hostile position, a small force would not have been sufficient, and I ask the hon. member for Mid-

dlesex, whether he would have been disposed to consent to a considerable increase of our military establishment, with such an object in view? A force of 30,000, or 35,000 men, would have been required for the protection of Constantinople: experience has shown the impolicy of any nation involving itself in the difficulties of a hostile position without a sufficient force to accomplish its object. If once we had commenced war for the protection of Turkey, will any hon. Gentleman, say, that such a war ought to have been undertaken with a small force? Lord Holland was not one of those who thought it desirable for this country to go to war for the purpose of defending the tottering empire of Turkey, which was falling probably by its internal dissensions and misgovernment, as much as by hostility on the part of Russia; that noble Lord did not think it desirable that we should interfere actively and singly against all the other powers. Lord Holland's opinion I am not going to denounce: I quote him only as an authority, not for the purpose of condemnation. Speaking of the opinion, that Turkey was our ancient ally, his lordship said:—"No, my lord, I hope I never shall see, God forbid I ever should see—for this proposition would be scouted from one end of England to another—any preparations, or any proposition, or any attempt to defend this our ancient ally from the attacks of its enemies. There was no arrangement made in that treaty for preserving the crumbling and hateful, or, as Mr. Burke called it, the wasteful and disgusting empire of the Turks from dismemberment and destruction; and none of the powers who were parties to that treaty, will ever, I hope, save this falling empire of Turkey from ruin."

Supposing that I were to refer to this passage from Lord Holland's speech, a passage containing opinions so widely at variance with those of the hon. Gentleman opposite, and

supposing that I were to argue, as the hon. Gentleman now argues, that the man who delivered the opinion that England ought never to interfere for the preservation of Turkey was unfit to be admitted into the councils of his sovereign, because he had given an opinion that might encourage Russia to attempt the dismemberment of Turkey, because he held opinions which, being known to Russia, proved to her that she might attack Turkey with safety, secure from danger of defence being offered by that Government of which Lord Holland formed a particular part, would it be fair in me to select that for the purpose of attacking Lord Holland on the policy that was pursued? I really think that hon. members ought not, therefore, to be too critical of each other's language.

But this attack against the noble Lord has been made in his absence. I do not complain of the hon. member who made it; I only desire the House to recollect who was the individual who made the speech, an extract of which I have just read—to recollect that the book which I hold in my hand does not prove the allegation that has been made against the noble Lord, and that the noble individual ought to have an opportunity of vindicating his own conduct. If the hon. Gentleman shall think it expedient to make a precedent to interpose a negative between the exercise of the King's prerogative, and to establish it with respect to the appointment of an Ambassador, the House may rest assured, that the precedent will not stop there; but that it will be acted upon in the case of every appointment that a powerful minority may choose to question—[Cries of a "Majority"]—Well, if it were a strong majority, *à fortiori* the constitutional objection to this course of proceeding was still stronger. I have no wish, I can assure hon. Gentlemen opposite, to underrate their force; but if they are a majority, still it will be an infinitely better course for them to

exert their power in an attack on the ministers—to ask the Crown to remove them—to declare their entire want of confidence in those ministers, and address the Crown for their removal—it will surely be better infinitely for the majority to take that course than to lower the prerogative of the Crown by assuming undue powers, and interfering with those which properly belong to the Crown.

Sir John Hobhouse felt bound to ask a question, which, in his opinion, the right hon. Baronet had rendered necessary, notwithstanding all he had said, which was, whether the right hon. Gentleman, upon his responsibility—and he had fairly and manfully avowed his readiness to take upon himself as much of the responsibility, if not the whole of it, as could belong to him—intended to persevere in this appointment?

The Chancellor of the Exchequer: Does the right hon. Baronet mean his remark as merely a part of his speech, or does he put a direct question to me, to which he expects an explicit reply?

Sir John Hobhouse called on the right hon. Gentleman to answer the question, because he could not gather from his speech, whether he meant to say that the appointment was to be persisted in or not.

The Chancellor of the Exchequer: Is that a question which the right hon. Baronet wishes to have answered at the present moment?

Sir John Hobhouse did not desire to press the right hon. Baronet for an immediate answer if it were inconvenient. What he meant was, that by the course of argument pursued by the right hon. Baronet, he could not ascertain whether he meant to tell the House of Commons that, in the present state of feeling as regarded this appointment, and after the expression of opinion which he had heard to-night, which he would not say was the opinion of the majority, though it looked very much like it—whether, such being the feeling, and such the expression of opinion, the right hon. Gentleman did intend to persevere in the appointment.

The Chancellor of the Exchequer: Whether, Sir, I am

in a majority or minority, this House shall never find me disposed to withhold any information which I can give on any question which I can answer consistently with my sense of public duty; nor will I hesitate now to say that, notwithstanding the speeches of to-night, I am not prepared to advise the Crown to cancel that appointment.

In conclusion, Mr. Sheil said, that, in order to meet the wishes of the House, as he understood from the right hon. Baronet that the appointment of the noble Marquis had not been as yet completed, and, therefore, that the document for which he had moved was not in a state to be laid before the House, he should withdraw his motion, satisfied that after the discussion of that night the noble Marquis himself would, in compliance with the feeling of the country, resign at once the appointment to which he had been named.

This anticipation was verified on the 16th of March, when the Marquis of Londonderry intimated in the House of Lords, that he had determined not to accept the appointment.

ON DISSENTERS' MARRIAGES.

March 17, 1835.

The Chancellor of the Exchequer rose and spoke as follows:—

The motion with which I shall on this occasion conclude, has for its object to effect the settlement of a great and important question, which is of great consequence to the public, and which interests a large portion of the community. It is a question which has been for a long time unsettled, and to settle which various but ineffectual attempts

have at different times been made ; and the settlement of which, on proper and satisfactory principles, will tend to promote harmony, peace, and contentment among those who adhere to the tenets of the Established Church of England themselves, as well as among those who conscientiously dissent from the regulations of that church.

The object of the motion which I shall submit to the House is, to afford relief in regard to the celebration of the ceremony of marriage to those Dissenters from the Church of England, who object to having the ceremony of marriage performed, as at present required, according to the rites and ordinances of the Established Church. It is, no doubt, known to all who hear me that, in the year 1754, an act was passed, the 26th George 2nd, commonly known by the name of Lord Hardwicke's Act, which made a great alteration in the law of this country in respect to marriage. By that act, it was provided, that no marriage ceremony should be performed by any clergyman, unless of the Church of England, and according to the rites and ordinances of the Established Church. The only exception made was, in favour of Jews and Quakers, who were allowed to contract marriage according to their own forms and ceremonies. The dissenting body objected to the provisions of that act. They alleged that there was no relation in life which tended more to the happiness of individuals, and the general good of society, than that of marriage ; and they objected to a law which rendered that relation invalid, unless it were contracted according to rites, and in conformity to ceremonies, in which they could not conscientiously concur ; and they, therefore, required of the legislature the enactment of such a law, as would enable them to contract the ceremony of marriage, without being compelled to go through those forms and ceremonies, from which they conscientiously dis-

sented. That is the objection brought by the Dissenters to the law as it now stands.

Now, I will say, that if the scruples of the Dissenters are really sincere, no one can deny, not only the justice, but the policy, of affording them the relief which they require. The Church of England can have no object in calling upon those who conscientiously dissent from its tenets and principles in all other matters, to contract the ceremony of marriage according to the rites of that Church.

Neither has society any interest in requiring that such a ceremony should be performed. It is not sufficient to say, that the ceremony of marriage, as contracted according to the rites of the Church of England, is a mere form of words, and that the persons so contracting marriage are not called upon to subscribe to any of the doctrines or principles of that Church. The persons contracting marriage receive, according to the rites of the Established Church, a solemn benediction from the mouth of the clergyman, expressly and avowedly for the purpose of giving a religious sanction to the ceremony; and, if the contracting party cannot conscientiously comply with the ceremony, or concur in that benediction, it ceases to be that solemn and religious ceremony which was intended.

Under those circumstances, it became necessary to consider what mode of relief could be afforded to Dissenters; and it occurred to me, that, of all the plans proposed, there were only three which were at all feasible, or by which the object the Dissenters have in view can possibly be accomplished. In the first place, it has been suggested as a remedy, that it might be possible to alter the ceremony of the Church of England. But the alteration of that ceremony would, in my opinion, be a violation done to the consciences of those who, adhering to the doctrines of the

Church, entirely approve of that ceremony. There is nothing in that ceremony, to which they feel the slightest objection; on the contrary, the benediction, and all the proceedings, contain the essential and vital principles of their faith. The members of the Church of England, therefore, have a fair right to object to the alteration of a ceremony, with which they are perfectly satisfied, and which is entirely conformable to their feelings and doctrines, provided that any other mode of satisfying the conscientious scruples of those who dissent from the church, can be discovered. Besides, the only object that could be gained by such an alteration, would be, provided a concomitant enactment were passed for the purpose, that no marriages should take place, unless they were solemnized according to the altered form; because, if the form of the Church of England were altered in the first instance, and parties were afterwards left to perform what rite they please, for the purpose of giving a sanction to the act of marriage, it is quite clear that nothing would have been gained; and, on the other hand, if it were made compulsory on all parties to celebrate the ceremony of marriage according to the altered form, I believe it would be quite impossible to establish any rite, to be performed in the Church of England, by a minister of that church, which would be satisfactory, without exception, to the whole dissenting body. In fact, there are, I believe, some parties who object to any religious ceremony at all. Others there are who do not object to the religious rite, but who object to the principle of being compelled to solemnize the act of marriage in the Church of England, or through the aid of a minister belonging to the Established Church. The result, therefore, of any attempt to alter the marriage ceremony of the Church of England would probably be, that the legislature would do violence to the consciences of the members of that church, and at the

same time give no satisfaction to the Dissenters, but the reverse, if the House were to compel them by law to celebrate their marriages according to a certain ceremony, however that ceremony might differ from the existing one.

In my opinion, therefore, it is not expedient to attempt any alteration of the religious rite of the Church of England, with the view of giving satisfaction to the Dissenters, especially without knowing whether such an alteration would meet with the general concurrence of the members of the church. But even if the concurrence of the adherents of the church were obtained, I do not know whether it would be proper to adopt the plan, for I could not hope to make such a change in the present ceremony, as would give satisfaction both to all classes of Dissenters, and to the members of the Established Church. I therefore dismissed from my mind all hope of settling the question by the adoption of that plan—namely, by an alteration in the liturgy of the Church of England.

The second mode by which it might be possible to give relief to the Dissenters, and a mode which has been hitherto almost always tried is, to make some provision by which Dissenters should be able to perform the ceremony of marriage within dissenting chapels, and various bills have been submitted to the consideration of Parliament, since the year 1824, some of which had passed the House of Commons, founded on the principle of giving permission to Dissenters to celebrate the marriage ceremony within their own places of worship. In 1824, a measure was introduced for that purpose, but it provided relief solely for the case of the Unitarians. In 1825, another bill was brought in for the same object; and in 1827, a measure was introduced founded on a different principle. At length, in 1834, the noble Lord opposite (Lord John Russell) proposed his bill, and that was the last measure on this subject which has been

submitted to the consideration of Parliament. The noble Lord's bill was founded on the principle of attempting to give perfect satisfaction to the Dissenter, by permitting him, under certain regulations, to celebrate the ceremony of marriage in his own dissenting chapel. I will proceed to describe the provisions of that bill.

In devising any plan for the relief of Dissenters, in respect to the celebration of marriages, it is necessary to consider three points, each of which is of essential importance. The first is, the notice which should be given, (either in the way of license, or of bans, or by some other mode,) by the instrumentality of which the commission of fraud, and the celebration of clandestine marriages, may be prevented. The second point is the nature of the contract or ceremony which should be performed. The third point is the mode of registration. The noble Lord's bill provided for these three separate and important objects in the following manner.—The noble Lord proposed that the bans for the marriage of a Dissenter, should be published in a church, by a minister of the Established Church, in the same manner as bans are at present published; that a declaration of the fact of the publication of the bans should afterwards be given by the minister of the church, and that the Dissenter should then be allowed to celebrate the ceremony of marriage in a dissenting chapel, duly licensed for that purpose. The noble Lord's bill also enacted that a license should be issued for the solemnization of marriage in any dissenting chapel, provided that an application for such license should be made by twenty householders; and the quarter-sessions had no power to withhold the license, if so applied for. The bans of marriage having been previously published by a minister of the Church of England, the Dissenter was to be at liberty to have his marriage solemnized in one of the licensed chapels. With respect

to registration, the noble Lord's bill provided, that the minister, teacher, or preacher, who officiated in the licensed chapel, should keep the registry of the marriages; that the book should be provided at the expense of those who frequented the chapel for the purpose of worship; and that, after a certain period, the registry should be transmitted to the register of the diocese, to be kept by him.

Such were the provisions of the bill brought in by the noble Lord, unquestionably with the best intentions, and for the purpose of giving satisfaction to the Dissenters; but it is open, in my opinion, to objections; and first of all, to this very powerful objection—that it gave no satisfaction whatever to those whom it was intended to relieve. The grounds on which the Dissenters were displeased with that bill were stated in various petitions presented to the House; and I will refer to one of those petitions, in which their objections are very briefly but emphatically expressed. The petition to which I allude was presented in the course of the last session, and it contained a solemn and decided protest on the part of the Protestant Dissenters, against the bill of the noble Lord, which they opposed on the following grounds;—1. Because they object to the celebration of marriages in places of worship exclusively. 2. Because they object to the publication of bans in parish churches, and to the granting of licenses by surrogates; and, 3. Because they feel that the affixing the license granted for the solemnization of marriages in some conspicuous part of their places of worship would give rise to feelings, which it would be better to avoid exciting. It will be seen, therefore, that very material objections are entertained by the Dissenters to the measure proposed by the noble Lord. In my opinion, the third objection is one of minor importance; but still it must be remembered that it was put forward by the Dissenters themselves.

Besides these objections, there are others which I think may be urged to the noble Lord's bill on general grounds. The noble Lord proposed to permit the marriage ceremony to be solemnized in any place licensed for that purpose on the application of twenty resident householders. Now, I am sure that, however we may differ on matters of religion, we shall be all of one opinion, as to the extreme importance to society of taking effectual precautions against fraud, and the celebration of clandestine marriages. In my opinion the Dissenters are equally interested with the rest of the community in the adoption of these precautions, for the sake of the peace of their own families, as well as for the general interests of society. And I think, that, as such precautions are in a great measure effectual in the case of members of the establishment, I am not going too far in saying, that the members of the dissenting bodies must be peculiarly anxious to have similar precautions adopted in respect to themselves. Unless effectual precautions be taken in their case, the Dissenters and particularly the female members of their families, will be subject to be practised upon by imposition and unfair artifice. It is quite clear, that society in general is interested in taking effectual precautions against the commission of frauds in this matter.

In making new regulations, it is necessary not only to take into consideration the regulations already existing, but also the means which may be afforded, in consequence of the alteration of the law, for the commission of fraud. It is well known that the law places no impediment in the way of the registration of dissenting chapels; the law imposes no test by which the character of dissenting chapels can be known. Any parties wishing to register a place for the purpose of religious worship, have only to apply in proper form, and on the payment of 2s. 6d. the registration is ef-

fects as a matter of course, and the place then becomes entitled to the protection of the law as a place of religious worship. It is not necessary that the place registered should be a separate building; and I apprehend that, if application were made for the licensing of a room for the purpose of religious worship, the license must immediately follow on the payment of 2s. 6d. If the noble Lord's bill, then, had passed into a law, how easy would it have been for parties, on their application, though it might not be a *bonâ fide* application, to get a room licensed for the purpose of religious worship in the first instance; and afterwards, if twenty persons had made application, that that room should be licensed for the solemnization of marriages, there would have been no authority to prevent the issue of a license for that purpose. Where so general and promiscuous a license was given for the performance of the ceremony of marriage, great apprehension would necessarily be felt, that those frauds and evasions of law, against which it is so desirable to guard, would take place.

The noble Lord proposed to permit the ceremony of marriage to be performed by any teacher or preacher. Now, it is undoubtedly true that, in some Dissenting communities, there are preachers with a fixed and stationary character, fully recognised as the ministers of settled congregations; but there are also some ministers who have no such fixed and stationary character, and who belong to various congregations. The noble Lord's bill, however, would have given authority to the latter class of preachers to celebrate marriages. It therefore appears to me most desirable, in giving relief to the Dissenters, that the House should proceed on a principle which will apply equally well to all classes and kinds of Dissenters. With respect to registration, the noble Lord's bill provided, that the regis-

tries should be kept by the minister, teacher, or preacher ; that they should not only be in his handwriting, but also in his custody. Now, if this regulation were applied indiscriminately to all descriptions of preachers—both to those who have a fixed and stationary character, and to those who have no settled character—and they were invested with the important duty not only of making the registries, but also of keeping them in their custody, it is quite clear that sufficient precautions would not have been taken against the evasion of the intentions of the legislature. But, as the noble Lord's object was to give relief to the dissenting body, it was the less necessary for him to refer to the other provisions of the bill, since it had proved unsatisfactory to the Dissenters. It is quite clear, that the great object which the noble Lord had in view, was not gained by the introduction of that measure.

I have already alluded to two modes by which it might be supposed, on a first impression, that relief should be given to the Dissenters :—1st, to an alteration of the marriage ceremony of the Church of England, which I set aside as an ineffectual mode ; and 2dly, to the mode adopted by the noble Lord, which continued the publication of the bans by the ministers of the Church of England, but which permitted the marriage of Dissenters to be solemnized by the ministers of the congregations to which they belong. The second mode not having given satisfaction to the Dissenters, it therefore remained to be considered by what mode satisfaction could be given to that body, consistently with a principle which would admit of universal application without inconvenience or mischief. I will now, after much consideration of the noble Lord's bill, which has proved unsatisfactory, not only to the Dissenters, but also to many members of the Established Church (for they objected to be made the instruments of performing the preliminary

ceremony of the publication of the bans, in respect to a rite which it was proposed should cease to be sanctioned by the religious forms of the Church of England)—I will now, I repeat, proceed to state to the House the principles on which I propose to found a bill, for the purpose of giving relief to the Dissenters.

It appears to me, that by far the most efficient and least objectionable mode of giving that relief is to propose two ceremonies, one a civil ceremony, and the other a religious ceremony; taking care to encourage, as far as possible, the religious ceremony, but not imposing it as an absolute and essential condition of the validity of a marriage. I would make the civil ceremony an indispensable preliminary of marriage. That is the security which I would require on the part of society. I would fain hope, however, that the ceremony of marriage will not, in consequence, be divested of its religious character; I believe that it will not. I believe, that so much importance is attached to the religious rite by the dissenting body, that they would, in almost all cases, superadd the religious to the civil ceremony; and I doubt not, that the religious sanction so superadded will be more efficient as a sanction, if left to be imposed by the parties themselves, according to such forms as are most acceptable to them, than if prescribed in the nature of a fixed ceremony by the legislature. Every one must desire to see the religious sanction possess a solemn and binding character; but is it probable that it would have the effect of solemnity, or be of a binding nature, if it were not precisely in accordance with the conscientious feelings of the parties on whom it is imposed, but if it were, on the contrary, prescribed and determined by law, to which they would be compelled to submit? I repeat, that I would encourage as much as possible the religious ceremony, but I would not exact its performance as an indispensable condition of the

validity of marriage. Indeed, it would be impossible for the legislature to impose one fixed form of religious ceremony; it must be varied to suit the different opinions of the different bodies of Dissenters. The religious ceremony that would suit the Unitarians would not suit the Independents, or the Baptists. But it appears to me that, if the legislature were to leave the dissenting bodies to superadd to the civil contract of marriage such religious observances as are in accordance with their peculiar opinions, nothing of the value of a religious sanction would thereby be lost.

In acting on this principle, I am acting in precise conformity with the principle of a bill which passed the House of Commons in the year 1827, and which proceeded in the House of Lords to a third reading, and was then only postponed on account of the advanced period of the session. The bill which related to Unitarians was introduced by Mr. W. Smith, and the House will see, from a description of its provisions, that it directly recognised the principle on which I now propose to proceed. The bill provided, that "the bans were to be published in church. Where both parties were Unitarians, a certificate of the publication was to be given by the clergyman, on payment of the usual fee. On presentation of that certificate to a magistrate, the magistrate might marry the parties. The parties were required to make a declaration, that they were both Unitarians. Magistrates marrying the parties were required to give certificates of marriage, such certificates to be deposited in the parish chest, and marriages to be entered on the parish registry."

Before I enter into an explanation of the particular details of the measure which I propose to introduce, I wish to show the House that the principle on which it is founded was recognised by the law of England previously to the Marriage Act of 1754. I apprehend that the law of Eng-

land recognises marriage as a civil contract; and that it does not require, as an essential and indispensable condition of the validity of that contract, the performance of any religious ceremony. In the famous case of *Dalrymple v. Dalrymple*," Lord Stowell, then Sir W. Scott, laid down that principle, and in support of his opinion, he referred to the judgment of Lord Holt, in the reign of Queen Anne, in the following terms:—"It was said by Lord Holt, and agreed to by the whole court, that if a contract be *per verba de presenti*, it amounts to an actual marriage, which the very parties themselves cannot dissolve by release or other mutual agreement, for it is as much a marriage in the sight of God, as if it had been *in facie ecclesie*." In *Wigmore's* case the same judge said, "that a contract *per verba de presenti* is a marriage, so is a contract *per verba de futuro*; if the contract be executed, and the man take her, it is a marriage, and they cannot be punished for fornication." Lord Stowell stated, that in the ecclesiastical courts, as well as in the common law, "the stream ran uniformly in the same course," and he referred to the case of Lord Fitzmaurice, the son of the Earl of Kerry, brought in the year 1732, before the court of delegates. In that case it appeared that the engagement to marry was made in the following terms:—"We swear to marry one another," and it was held that each party was bound by that declaration. The decision of the court was to the following effect:—"The court, composed of a full commission, paid no regard to the objection, and found for the marriage, and, an application for a commission of review, founded upon new matter alleged, was refused by the Chancellor." Lord Stowell next observed, that things continued on this footing till the Marriage Act of 1754, which was not intended to give the ceremony of marriage a religious sanction, as a religious sanction; but was only intended as a precaution against fraud and clandestine marriage.

In making, therefore, the civil contract an indispensable condition of the validity of marriages, and leaving parties to superadd the religious sanction, I am acting in conformity, not only with the principle of the bill of 1827, but with what was the principle of the law of England, previously to the Marriage Act of 1754, and I think I am only acting in conformity with the dictates of reason and good sense in not prescribing any precise religious ceremony, but in leaving the parties interested to fix for themselves such religious sanction as is best suited to their religious opinions. The principle of my bill was also recognised by the existing law, because the Marriage Act of 1754 did not impose the religious ceremony as an indispensable condition in all cases, for that act expressly provided that its enactments should not extend to the cases of Jews and Quakers. I know that ingenious doubts have been expressed as to the validity of the marriages of Jews and Quakers ; but I apprehend no man can doubt that the whole course of law establishes this position—that the marriages of Jews and Quakers are valid, as far as regards the legitimacy of the offspring and the transmission of property. But in some of the possessions of the British Crown, marriages can be performed without the intervention of a minister of the Established Church. In Ireland, the presence of a minister of the Church of England is not necessary to give validity to marriages ; neither is it necessary in India. There are others in this House better informed on the subject than myself, but I believe that, according to the existing law in India, a marriage performed either by a minister of the Church of England or by a Roman Catholic priest, is valid ; while a marriage performed by a Presbyterian minister is not valid.

Dr. Lushington stated that an act had been passed to legalise marriages performed in India by Presbyterian ministers.

The Chancellor of the Exchequer: I was not aware of that fact. I may extend my former remarks to the state of the marriage law in Newfoundland; but I think I have said enough to show that the whole state of the Marriage Act requires review and revision. In some of our dependencies, and even in this empire, it is far from being in a satisfactory state. Having said thus much of the general principles on which I propose to proceed, I will now explain the enactments which my bill will include. It will be recollected, that the Dissenters objected to the bill of the noble Lord opposite, because it required the publication of bans in churches by ministers of the Established Church. The present method of notifying the intentions of Dissenters to contract a marriage with one of their own community is repugnant to the feelings of the Dissenters, but if I can devise any other mode by which effectual notice may be given, which should relieve the Dissenter from the necessity of conforming to the religious rites of the Establishment, and if I can introduce some simple form of notice, by which the conscientious feelings of a minister of the Church would be spared the pain of assisting in a ceremony which is in opposition to the forms prescribed by the Establishment, I think that the object which I have in view will be effectually answered. In some cases, also, it may occur that an individual may assent to the civil contract, but may not wish to have it confirmed by the performance of any religious ceremony. Now my bill will do a good deal to effect these objects. The form which I intend to propose will be very simple, and if, when I have laid my views on this question before the House, this should be found not to be sufficient, why then let the Dissenters join with me in framing one which would answer the ends better. If there were two parties who had an objection to the form of marriage as solemnized by the Church of England, they would have within their power the remedy

which it is the object of the Bill to secure to them. But I do not wish to make this enactment compulsory on all who conscientiously differ from the doctrines of the church. I do hope that the impediment of pride being removed, when it is no longer absolutely necessary for the Dissenter to be married according to the forms of an establishment to whose doctrines he cannot subscribe, he will in many instances, not avail himself of the kind of relief proposed by the bill. I would give the Dissenter every facility of being married elsewhere, if he prefers it, but I hope that the Dissenter will be induced, unless there be some serious objection in his mind to the form of the marriage ceremony as performed in the Church of England, to conform to that ceremony. What I mean to say is, that I do not wish to prevent the Dissenter from joining in the performance of the common rites and ceremonies of the Establishment, if he thinks proper to do so; but, on the other hand, if he objects to those rites and ceremonies, the bill will give him a full and satisfactory remedy.

I propose, that a civil ceremony only should be performed between parties who object to the marriage rite of the church; and to render them competent for the performance of the ceremony, it would be necessary that one or both of them should have resided, at least, seven days previously in a certain hundred, before the magistrate of which the proceedings were to take place. The parties would have to give notice to the magistrate of the hundred, who would preside at the performance of what I should call the civil ceremony of marriage—namely, the acknowledgment of the contract between the parties. Each would have, on the ratification of the contract, to give a written certificate, stating that he or she acknowledges the contract to be binding. The form will be found in the schedule of the bill, which I propose to lay on the table, and is of the

most simple kind. Each party would then sign a form, acknowledging the other as standing in the relationship of husband or wife. The written acknowledgment, or completion of the ceremony, before the civil magistrate, is not to take place till after a period of fourteen days subsequently to giving the notice, and must take place within three months of that period. I prefer the proceedings before a single magistrate, although I am aware, that it may be said, that the security would be greater if the ceremony took place in the presence of several; but, when I recollect the nature of the ceremony, and the character of those who generally attend at the petty sessions, I am satisfied that it would be a relief to the parties about to enter into the strict relationship consequent on the contract, if I enabled them to enter into it before a single magistrate. I am sure that the grace and value of the gift would be diminished, if we made it requisite that the ceremony should be performed before a number of magistrates. I have now mentioned the nature of the relief which I intend to propose, and the nature of the civil contract I wish to recommend for those who object to the performance of the ceremony in the church. At present it is necessary to make a declaration previously to procuring a marriage license. I intend to propose, that a similar declaration should be made before the magistrate, on entering upon the civil contract; and that the same oath, as on obtaining a license, should be administered, namely—that the parties are above the age of twenty-one; that the contract is with the consent of the parents or guardians; and that neither of them is aware of any legal impediment to the marriage. It may be said, that a door will be opened to clandestine marriages by the non-publication of bans. At present, however, nothing is so delusive as the publication of bans; such a complete change has taken place in the state of society, since they were adopted, that

they give no security for the object for which they were intended: I am convinced that most of the illegal or clandestine marriages that take place, are those where bans have been published. In many populous places, parties may have bans published, and their names escape observation. Under the system which I propose, there would be no greater temptation to illegal marriages than there is at present. If the notice were incomplete, of course the magistrate would not suffer the contract to be completed. Where there are no religious scruples, it is not intended to alter the present form; but all that I have in view is, to relieve those who entertain objection to the marriage ceremony being performed in the Church by the clergyman. It appears to me that the securities which I have taken are quite as valid as those which exist on applying for a license. I am convinced that, were I to attempt to take superfluous securities, I should only diminish the value of the relief which I am anxious to afford. I should previously have stated that I also propose, that the magistrate before whom the acknowledgment of the contract is made, should take two or three copies of the form, which are to be signed by the parties, and which would be the best evidence that could be obtained of the contract, and that one of these copies should be sent to the minister of the parish, whose duty it would be to keep the register of the civil contract of marriage. The Dissenters would not be brought into contact with the minister, but the magistrate would transmit to him one of the copies of the certificate, that the parties had entered into the contract. It has been said, that they ought not to call upon clergymen to enter the names of the parties in the register, when the ceremony is not performed by themselves, but I am sure that the ministers of the Church would not object

to become registrars. Whatever register, however, be adopted, I think it desirable that we should, if possible, make it a common register, and not make distinctions. My own earnest wish is to leave this register, under the present state of things, in the hands of the ministers of the parish, being convinced that they would be less liable to inaccuracies than any other parties that could be chosen.

I am aware, that there are some points that I may have passed over, but I trust that the House will excuse me when they consider the number of matters I have had to consider during the sitting of Parliament. It is not possible for me to give to several important matters the attention which I could wish. Among other things, I have been unable to give the desired consideration to some measure for a general civil registration. If we are not able to obtain a new registration on a general principle immediately, I think it desirable, in the mean time, to avail ourselves of that form of register which we have. By the mode which I propose, we should have a civil registry in one place, and a religious one in another. With respect to the claims for compensation, and the fees to the clergyman, for the simple registration, I have little to say. I believe that, when those matters which affect the scruples of Dissenters are removed, there will be less objection than at present to the performance of the ceremony in the Church, and still less to the payment of fees. I intend to propose that the whole amount of fees payable in the civil contract of marriage should not be more than seven shillings. There would be no necessity for payment for a license in this case any more than at present, when bans are published. Out of this fee of seven shillings, I propose that five shillings should go to the parish officer

or clergyman, who keeps the register; by this method I am justified in saying that the whole expense of a marriage would be less than it is at present.

I feel much obliged to the House for the attention and kindness with which they have listened to me on a matter on which I am much less informed than those who have made the law their immediate study. I have not felt myself called upon to enter upon technical refinements on the subject, but have endeavoured, as shortly and simply as possible, to explain the enactment, which I trust will have the effect of removing the conscientious objections of those who dissent from the Church, and at the same time relieving the minister of the Church from the publication of bans between parties who object to his performing the ceremony. If I succeed in the object that I have in view, I shall rejoice at removing one of those causes which have tended to alienate the minds of those who dissent from the doctrines of the Church from its ministers, much more than any thing connected with the ceremony can compensate to them. In conclusion, I propose not the slightest change in the present law of marriage, with respect to the members of the Establishment; but with them the civil contract will still be subject to the religious sanction. I am sure that no one will object to the claim which I put in for the members of the Establishment, of the continuance of that law which best suits their habits and feelings, and which superadds the religious sanction to the civil contract. I conclude therefore by moving for leave to bring in a bill for the relief of persons dissenting from the Church of England, in regard to the celebration of marriage.

At the conclusion of the discussion which followed, Sir Robert rose to reply :—

My only object in rising is, to notice briefly, the few

observations which have been made in reference to the intended bill, lest they may have the effect of prejudicing it, either with hon. members or with the great body of the Dissenters. I never felt more satisfied of anything than that I can succeed in convincing any reasonable body of Dissenters, that the tendency of the bill will not be to establish any invidious distinctions—that there is nothing in the bill which can prove in the least objectionable to Dissenters, excepting that which must, under all circumstances, be inseparable from dissent. From the fair and liberal spirit in which the whole proposition has been met, I feel that I have little more to do than express my confident hope, that practical grievance is about to be met by a practical and effectual remedy. There are objections, I am aware, to almost any view of the subject, and I have attempted to meet them in such a manner as should not shock the feelings of either party. My impression is, that if members of the Establishment are satisfied with the present state of the law, they should not be interfered with. Some hon. Gentlemen in that House might say, “put the law on another footing—put it on a civil footing.” But for my own part I can say, that I never heard from anybody belonging to the Church of England, or from any of the leaders of the great bodies of Dissenters, a desire to dispense with the religious solemnity. If I were to be required to declare that this solemnity should or might be dispensed with for the members of the Established Church, I certainly do think it would savour of that intolerance which is condemned by the Dissenter, for it would seem that that Dissenter not only looked for relief for himself, but expected that the Government should make an alteration in the ceremonies of others, and accommodate them to the relief granted to him. I can assure the hon. Gentleman opposite, that, so far from having a wish to put

the Dissenters on a different footing, my anxiety was, if possible, to have made the ceremony a religious one. But I found that there were great difficulties in the way of this arrangement. If all classes of Dissenters entertained the same feelings and opinions on the subject, the settlement would have been extremely easy; but was this the case? And, therefore, I was obliged to adopt a different rule of proceeding. No degradation was ever contemplated by me in the arrangement. Those of the establishment conform to certain principles and rules—to a prescribed form of religious worship; it was consequently easy to deal with them. If there were only one class and form of dissent, it would be equally easy to deal with the body of Dissenters, and far more agreeable to me to propose a religious than a civil ceremony. But hon. Gentlemen should consider that I am not placed under these favourable circumstances. I have to legislate for a great number of different sects, possessing different principles, and I have found it impossible to prescribe any particular form of religious ceremony which could possibly be acceptable to all these various classes of religionists. Some sects of Dissenters are not in the practice of using in their marriages any religious ceremonies at all—the Quakers, for example. And I believe there are other classes of Dissenters, who are equally indifferent to a religious ceremony. Now, if this be the case, would it not, according to the feelings of hon. Gentlemen opposite, have been the strongest proof of intolerance, on my part, if I had attempted to prescribe and enforce one religious ceremony for all these different classes? How was it possible, I ask, that I could embody in one act, an arrangement to which all could agree? While, therefore, I claim for the members of the Church of England the right of persisting in their ceremony, I would not, although I might succeed in pleasing one or two classes of Dissenters, attempt to

prescribe a religious discipline respecting the matrimonial contract of the multitudinous sections of those differing from the Established Church, in so great a variety of degrees. I deny that any slight was intended, or could reasonably be presumed to be imputed, to the several denominations of dissenting ministers, because I did not declare them to be, one and all, fit and proper persons to solemnize, and give a legal sanction to, the matrimonial rite. I feel no difficulty in allowing anybody, who has such a vocation, to preach and to teach; but I doubt whether I should be held justifiable, even by the Dissenters themselves, in permitting a civil act of great importance—a contract of the most solemn nature—to be perfected by everybody and anybody, who might happen to have a congregation disposed to listen to him, and to acknowledge his ministry. Although I have no desire to interfere with the spiritual form which may be adopted, I have a right to ascertain that the civil contract had been duly made. I believe, that the learned and intelligent class of dissenting ministers would feel themselves degraded, by being placed on the same footing with every illiterate person, who might fancy himself inspired upon a particular occasion, and consequently competent to perform a religious ceremony, to teach and to preach, and to go through all the other functions of the Christian ministry. Hon. Gentlemen who wish to have this conclusive right of performing the marriage ceremony conveyed to the dissenting ministers, should show that it is safe to confide it to every man, who may claim and exercise the right of a preacher: if they do not do this, they will fall short in their argument, for how could the distinction be drawn between the teacher of one sect, however large, and of another, however small, of Dissenters? Therefore it was that I fell back upon the method which is likely to be most satisfactory to the general body of Dissenters, namely,

that of encouraging the religious ceremony, and securing the accomplishment and the acknowledgment of the civil contract. I trust that the Dissenters will be convinced, that there is not the slightest intention, on my part, to inflict any hardship or degradation upon them. Indeed, it would appear, that hon. Gentlemen have exercised some ingenuity in their opposition to the measure. It was formerly contended that dissenting parties would not be satisfied, so long as they were compelled to go before the clergyman of the Established Church; well, this is to be no longer necessary! But, surely, the fathers of families will require some security for the binding nature of the contract in which young females are to be engaged. Therefore, I say, to avoid any collusion between the person who may fancy himself inspired to act as a minister, and either of the parties—to avoid the many obvious calamities which might ensue, I say to the Dissenters—go before the magistrate, the only civil functionary I have at their service. Men may object to the constitution of the magistracy, and so forth, but am I to wait until the magistracy be reformed? Am I, until then, to delay the relief to the Dissenters which they so anxiously desire? I leave, too, from a regard to the delicacy of the females, the privilege of going before any magistrate they may choose, lay or clerical. This I have done, instead of rendering it imperative upon them to appear at quarter-sessions, or even appearing before more than a single magistrate. I may have erred, but certainly it was from no unkindly feeling towards the Dissenters. Next, as to what had been urged respecting the system of registration, I might have conceived, that there might be some objection on the part of the clergyman. I could not conceive any upon that of the Dissenter. It is the most satisfactory mode of registration which now exists—I do not say that it might not be amended—I do not say that I should be averse to

its amendment—but I was obliged to take it as it stood. Besides, it is that which is in use for the members of the Established Church. I do not ask the Dissenter to go before the clergyman, but only before the magistrate, who will transmit to the clergyman the certificate. Then, as to the amount of fees, I have to state that, in Mr. Smith's, and in Lord John Russel's bill, and in every other bill for the relief of the Dissenters, the rights of the clergyman have been respected. My object has been to bring in a bill in the most liberal spirit. I have desired less to make anything like a speech in reply, than to set aside statements, which might have the effect of exciting prejudices which are perfectly unfounded.

Leave was given to bring in the bill.

ON TITHES IN IRELAND.

March 20th, 1835.

On the 20th of March, 1835, Sir Henry Hardinge moved, in the House of Commons, that the following passage from the speech delivered to Parliament by his Majesty, at the opening of the session, be read :—" There are many important subjects, some of which have already undergone partial discussion in Parliament, the adjustment of which at as early a period as is consistent with the mature consideration of them would be of great advantage to the public interests. Among the first, in point of urgency, is the state of the Tithe Question in Ireland, and the means of effecting an equitable and final adjustment of it."

It has been read, on the motion of Sir Henry

Hardinge, the House resolved itself into a committee of the whole House upon the subject of Tithes in Ireland.

Sir Henry Hardinge then addressed the House, and concluded his speech with moving that composition for tithes in Ireland should be abolished in consideration of an annual rent-charge, to issue out of the lands heretofore subject to the payment of such composition, and to be payable to the owners of the first estate of inheritance, or other estate in the nature of a perpetual interest; that such rent-charge shall be in the proportion of 75*l.* for every 100*l.* of composition; that such rent-charge shall be redeemable, and that the redemption money shall be invested in land or otherwise, for the benefit of the persons entitled to such composition. And that the arrears of tithe due in the year 1834 shall be made up from the 307,000*l.* remaining out of the 1,000,000*l.* advanced by Parliament to the clergy of Ireland in the year 1833.

Lord John Russell, Mr. Shaw, and Viscount Howick having expressed their opinions on the subject, the Chancellor of the Exchequer rose and said :—

I trust that I can make an arrangement which will preclude any difference of opinion. I confess that the course which the noble Lord, the member for Devonshire (Lord John Russell) has suggested, is the correct one, namely, to withhold all opposition to the present resolution—the right being reserved of discussing the whole question hereafter. I think the House may consent to pass this resolution—the discussion being reserved till the bill, which will render it intelligible, shall be brought forward. The House will probably agree with me in thinking the bill a necessary preliminary to the discussion. It is impossible to understand this measure from abstract resolutions; the whole ought to be before the House in a comprehensive form. This course cannot be objected to—it being admitted, that no man will be pledged by the preliminary proceeding to assent to any part of the measure to be hereafter introduced. That is the view, and I consider it a natural and just view, which was taken by the right hon. Baronet (Sir

Henry Hardinge.) In order to prove to the House, that by assenting to these resolutions, it will not in the slightest degree lend itself to the measure that is to follow, I need only refer to the resolution which was moved in the early part of last year. That resolution was the foundation of a bill, and many assented to the resolution who intended to object to the bill. In the division the numbers were 219 to 42, the resolution being carried. It was considered by the House, not that agreeing to the resolution was a prejudging of the question, but that, in assenting to the resolution, the means were afforded of obtaining the bill. The resolution was as follows:—"That it is the opinion of this committee, that composition for tithes in Ireland should be abolished, in consideration of an annual rent-charge, to issue out of the lands heretofore subject to the payment of such composition, and to be payable to the owner of the first estate of inheritance, or other estate in the nature of a perpetual interest; that such rent-charge shall be in the proportion of 75%. for every 100%. of composition; that such rent-charge shall be redeemable, and that the redemption money shall be invested in land or otherwise, for the benefit of the persons entitled to such composition." That resolution was affirmed without opposition.

Viscount Howick said, there was a material difference between the resolution just read, and the one now before the Committee.

The Chancellor of the Exchequer: I do not ask any man to preclude himself from making objections to the measure to be brought in on another occasion. Surely it is the usual course for the House to agree to such resolutions.

Mr. Hume said, that one portion of the present resolution related to a grant of money.

Viscount Howick: If the right hon. Baronet would leave out that part of the resolution about the repayment of the million, the difficulty might be got over. As regarded the redemption of

tithes in land, he was aware that was a matter of detail, and might be objected to in the course of the discussions on the bill ; but that part of the resolution which called on the House to consent to a grant of money he thought ought to be objected to in the Committee in which it was proposed. He used the term grant, considering that where the resolution said the repayment of the million should not be insisted on, the effect of it was a virtual grant.

The Chancellor of the Exchequer: I have always most anxiously endeavoured to avoid calling on the House to pledge itself irrevocably to any measure, without having given it the fullest consideration—more particularly if the motion related to the disposal of the public money ; and if the House should be of opinion that, in assenting to the proposition which has been made, it fetters itself in the slightest degree, I certainly would not ask it to do so. I do not apprehend, however, that by assenting to the resolutions, the House will at all preclude itself from objecting to the measure.

Mr. Warburton said, that at any stage of the Bill they might go into the Committee, for the purpose of making this grant of money, if it were considered expedient.

The Chancellor of the Exchequer: There would be no difficulty, at all events. I must admit, I do not think it would be fair, without having given notice, to call on the House to affirm to-night that portion of the resolutions excepted against, if doing so would have the effect apprehended ; but, having made this remark, I should like to have the opportunity of considering the point with reference to the precedents that exist. Perhaps I might find, that a separate bill might be brought in after the resolution is agreed to. I beg to ask, however, whether it would not be for the convenience of the House, that the whole measure, in as perfect a form as possible, should be before it prior to entering on the discussion.

I wish now to address a few words to the House on the present condition of Ireland. Though many Gentlemen, who were in the last Parliament were conversant with the details; yet I thought it was an error which they often fell into to assume, that the information of hon. Gentlemen was perfect on the subject. But there are many who are now listening to this dry discussion for the first time, and probably they are not very well aware of the present state of the question. If ever there was a question that was difficult of adjustment in a manner consistent with equitable principles, it is this question. In a great part of the south of Ireland, there is a practical suspension of the collection of tithes. Attempts have been made, in some instances, to collect them, but those attempts met with resistance; and such were the patient endurance and forbearance of the clergy, that they chose rather to see their families subjected to the utmost privations, than to avail themselves of their legal rights, and to enforce their legal demands.

About three years since, the sum of 60,000*l.* was advanced to the Protestant clergy in Ireland; and it was provided, that those who chose to avail themselves of an advance out of that sum of 60,000*l.* should be entitled to it, and the Government should have a claim to the recovery of the tithe. Subsequently an attempt was made on the part of the Government to levy that tithe; indeed repeated efforts were made, both by legal process and by employing the military, to recover it; but it was found, that the expense of the recovery was almost as great—I believe it was even greater than the sum actually recovered from the occupying tenants. The consequence was, that the noble Lord, who was then Chancellor of the Exchequer, issued a notice, stating that no further attempts to recover the tithe would be made. That might be a wise measure, or it might be unwise; but I beg the House to consider what was likely

to be the effect produced on the occupying tenantry when the Government, having the right and the power—having the whole force of the country at its disposal—intimated, that though the law had been violated, and was still set at defiance, no further attempts were to be made to vindicate it.

The sum of one million was then granted for the purpose of providing for the arrears of tithes. The clergy were enabled to prefer their claim and receive a proportionate advance out of the million. Several did avail themselves of that grant, and received large sums, amounting on the whole to nearly 630,000*l*. This amount was distributed amongst both the ecclesiastic and lay holders of tithes, and the provision made thereupon was this:—As they received advances of their tithes, they were to be liable to quinquennial repayments. The time has now arrived for the repayment of the first instalment. In this state of affairs, what is the legislature to do? The sum was had according to the letter of the law, but, by the same law, an equivalent at least is due from the occupying tenant to the clergy. Time presses. If they require repayment, we must give the aid of a military force, if necessary, in aid of the civil power. [“No, no !”] What, then, would you give the civil power without the military? [“No, no !”] No—you would not give either the military or the civil power to enforce a legal claim, and how then could you be guilty of the gross injustice of saying to the clergy—“We, who were entitled to this sum of 60,000*l*., and having attempted to recover it, failed in so doing—we, who know that you have not the power to recover what is due to you—we tell you that we will not give you the aid of a military force, nor even that of the civil power, but nevertheless demand of you, powerless and reduced to beggary as you are—we demand of you, without giving you any assistance in enforcing your legal

claim, the repayment of the sum we have advanced." Why is the whole evil of pursuing such a course to be limited to injustice to individuals? Is the Executive Government to stand by and see laws in the one case violated, and in the other strictly enforced, and this as regards parties between whom no difference ought to be recognised? Is the Government to stand by and see the laws trampled on, and then say it will not alter those laws? Is it to see the daily violation of them without even an attempt at improvement? You might postpone the resolution for a few days, but the question to which you must arrive is this—Will you relieve the clergy from the demand upon them, or enable them to recover an equivalent sum from the occupying tenant? Can you, with justice, impose the arrears as a rent-charge on the landlord? You cannot charge on him not only an equivalent for the future payment of tithes, but for the arrears also. I doubt if you can pass any law that can, in justice, impose such a burden on the landed proprietor. Independently of the equity view, there would be such legal difficulties in the way of the application of the principle, that I doubt if you could enforce it. Then, will you remit the sum in question altogether, as a peace-offering to Ireland, as a boon, not to the clergy, but entirely to the occupying tenantry? Will you remit that instalment altogether, or take one of these courses—impose the obligation on the landlord, or on the tenant? It may perhaps be suggested that there is another fund out of which it may be paid—namely, that fund in the hands of the Ecclesiastical Corporation, generally called the Perpetuity Purchase Fund. The revenues of the Ecclesiastical Corporation are derived from two sources: the first the holders of bishops' leases, and the other the revenues of suppressed bishoprics, and the taxation of existing bishoprics.

Before the House comes to a decision on the subject, it

will be necessary that it should call for an exact amount of the proceeds in the hands of the Ecclesiastical Corporation from the two sources which I have mentioned. I believe it will be found, that more fallacious estimates than those which you have heard of as to the amount of this property have never been framed. At present, all I know is this, that sums have been borrowed from the Treasury, and that the fund is at present greatly in debt. The annual charges on that fund it is here necessary to explain. Two years since, the land of Ireland was relieved from the church-rates. The charges of providing for the support of the fabric of the church, and for making a provision for the decent performance of divine worship, were then transferred to the fund of which I am speaking. At the present moment the income is as follows:—Revenues of sees of bishoprics suppressed, 41,000*l*.; tax on future prelates, 3,266*l*. But it is not necessary, perhaps, for me to go into the detail. The result will be, that with a present income amounting to about 40,000*l*. per annum, there will be charges to the amount of 70,000*l*. Surely the first charge on that fund ought to be the provision for the performance of divine worship. The first motion, then, which ought to be made, should be for an exact account of that fund; and the House would then find how impossible it is to charge that fund with any repayment on account of advances made to the Irish Protestant clergy. The result to which I come is, that it is wise, and that it is just also, to remit, on the part of the public, the claim on the clergy for repayment of their advances.

The next question which arises will be, what course we are to pursue with respect to the arrears of the last year. As the right. hon. Gentleman has said, if we remit the claim for the past arrears, that settles the question; if we establish a rent-charge on the land, that settles the question

as to the future; but what are we to do with the arrears of the intermediate time—of the year 1834? If we adopt the course proposed by my right hon. friend, there will be an end to tithe composition altogether; that is to say, the occupying tenant will be relieved. To that course we must, in my opinion, come; we must, for the sake of peace, relieve him; and the question is, would you leave him subject to a demand for arrears?—would you vitiate the whole proceeding, and render it incomplete, by imposing on the Government the necessity of relying for the arrears on the civil power, or on military aid? I believe the House will not do that; it will not impose on the Government the painful alternative of seeing the law violated, or having it enforced by the military. If you take that alternative, some provision must be made for the arrears of 1834; can any better course be pursued, having under the Million Act a surplus of 360,000*l.*, than that of applying the surplus exactly on the principle on which it was applied in 1831, 1832, and 1833—that of making advances out of it to the clergy, not for their benefit, but for the benefit of the occupying tenant? If we take that course, it will be intelligible, and the consequence will be the exemption of the occupying tenant from every thing in the form of a direct payment to the Protestant clergy. I believe that whatever differences exist between hon. Gentlemen on other matters, there are principles with respect to which there is no difference. One is, that the existing interests of the clergy ought to be protected, or at least some mode of equitable adjustment adopted, so that they do not suffer by the very forbearance they have exhibited, which ought only to give them an additional claim on the liberality of the House—that is one principle; and the other is, that the land of Ireland is subject by law to payments on account of tithe. No matter what diversity of opinion exists as to its ultimate

appropriation, no reason whatever has been urged against an equitable adjustment of the claims of the clergy, and the leaving of the land of Ireland subject to tithe. Even those who contend in favour of the powers of Parliament to appropriate to secular purposes the property of the Church—even they claim not for the landed proprietor the right of exemption from tithe.

What my right hon. friend proposes is this, that, whereas the whole land of Ireland is at present subject to a tithe composition, by a law to be passed the right to demand tithe shall be at an end; and over the whole of Ireland, partly by arrangement, and partly by compulsion, composition shall be established in lieu. He proposes further, that, for every 100*l.* of that tithe composition (excepting in cases of tenants at will, and in cases of leases fallen in since 1832) now payable by the occupying tenant, seventy-five per cent. shall be paid by the head landlord of Ireland, leaving him to recover from those who hold under him. This is the proposition made by my right hon. friend. He proposes a compulsory composition on the part of the landed proprietor, on the principle that was recommended by the hon. and learned Gentleman opposite (Mr. O'Connell) last year. The hon. and learned Gentleman then gave it as his opinion, that they had no choice; that compulsory composition was their only alternative. This took place in the month of July; and it will probably be in the recollection of the House, that the ground on which he opposed the bill then introduced was, that at so advanced a period of the session there was not a possibility of making the landed gentlemen of Ireland acquainted with its details. The hon. and learned Gentleman seems to doubt my statement. [Mr. O'Connell: The bill was not mine.] Although it might not be the hon. and learned Gentleman's bill, yet it was a suggestion, which fell from him when the subject

was under debate. I recollect his saying at that time, that if the Irish members present could undertake for the landlords to say that it would be considered equitable by them, he should be greatly disposed to listen to it. It is impossible to make a settlement of this sort without meeting with a thousand difficulties. I know it is a very difficult subject, but when I see the manner in which it is treated in Ireland, particularly the south of Ireland—when I recollect, that the population are Roman Catholics, I cannot find any alternative. I hope hon. members from Ireland will agree to it, because without their consent I am quite sure there will be great difficulty in carrying the measure. A remission of twenty-five per cent., and relieving the tenantry from the obligation of paying tithes, ought in the present state of things to be favourably received; and I do hope, that the hon. Irish members of this House will lend their aid, not only as members of Parliament, but as friends of the landlord, and as friends of Ireland, to this measure, which appears to afford the only hope of a fair and equitable adjustment.

These, then, are the principles of my right hon. friend's proposal—to remit the sum due on account of past advances; to apply the balance of about 360,000*l.* in part to meet the claims of the clergy, for it will only be in part; to put an end altogether to the demand of tithe composition, or any immediate demand on the part of government or the clergy, on account of arrears of tithes; and for the future to impose an equivalent for tithes in the shape of a rent-charge on the land, to be paid by the landed proprietor, and to be recovered by him in the shape of rent. That is the principle, and, after the most mature consideration my opinion is, that no preferable course can possibly be adopted. I admitted to the noble Lord (Lord Howick) that no progress ought to be made with the measure until the question with respect to the appropriation of church property is

brought before the House. That, I believe, is to come on for discussion on Monday, the 30th; and, however pressing the necessity for some prompt step with respect to tithes, yet it cannot be so pressing as to render it necessary to decide the question even upon the principle of the measure, until the other most important subject to which I have adverted is brought forward; and I am quite confident, that my right hon. friend will not press it before. I also hope that, before the House involves itself in any precipitate resolution with respect to the appropriation of church property in Ireland, it will ascertain whether or not there is any surplus after providing for the wants of the Protestant Church, before it comes to any speculative conclusion upon the subject; and that only an absolute necessity may prevent hon. members from coming to a conclusion favourable to the proposition now before them.

Mr. Hume moved that the Chairman report progress, and ask leave to sit again; but he abandoned that amendment at the suggestion of Mr. Spring Rice, who substituted for it the following:—“That it is expedient to alter and amend the laws respecting tithes in Ireland.” On a division this amendment was negatived by 213 to 198, leaving a majority of 15 in favour of the original motion.

ON THE COMMUTATION OF TITHES IN ENGLAND.

March 24, 1835.

On the motion of the Chancellor of the Exchequer, that part of his Majesty's speech, recommending the commutation of tithes in England and Wales, was read, and on his motion the House resolved itself into a Committee to take it into consideration.

The Chancellor of the Exchequer then spoke as follows :—

I am about to call the attention of the committee to a matter of not mere party consideration, but involving considerations of much general importance, attended by great complexity of details, and affecting to a considerable extent the interests of the community at large. I am about to submit to the consideration of the committee a measure for facilitating the settlement of the Tithe-question in this part of his Majesty's dominions, an object, the attainment of which is equally desired by both sides of the House. If I were not to approach this question with great diffidence as to the merits of the plan which I have to propose, and great anxiety as to its results, it would argue the greatest indifference on my part to the opinion of the House and the public, or the greatest confidence in my own powers—a confidence quite unwarranted—when the magnitude, the delicacy, and the complication of the subject are considered. It has been felt, for years, that the settlement of this question is a subject of the highest importance to the country. I am not, however, going to enter into a long detail of the history of this question, or to weary the House by a pedantic display of learning; for, looking at the litigation caused by tithes—looking at the variety of interests which the subject embraces,—considering the effect the levying of tithe has on cultivation, and the manner in which it operates to the discouragement of agriculture—I shall take it for granted that there is nearly an unanimous feeling in the House, that a change should be made in the mode of levying tithe. At different periods different plans have been proposed for the accomplishment of this object; and although it is not my intention to enter into any minute dissection of the various schemes which have been submitted to the House, still it is necessary that I should take a short review of some of the later measures

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proposed for this purpose. If I were to find that the principles or provisions of any one of those measures are preferable to those embodied in my own plan, I should not hesitate to adopt them, and to engraft them at once on the bill which I intend to bring in, since it is impossible to prepare a plan for such an object, without great distrust in my own powers, and great anxiety as to the probable results of the measure.

In some of the former plans which were submitted to Parliament, with a view to the settlement of this great question, it was proposed that the tithes should first be valued, and that, after a valuation had been taken, a commutation for the payment of the tithe should be made in land, or by a payment in the nature of a corn-rent. Without going into the details of those plans, I apprehend that a measure based on those principles would not at present give satisfaction. If, again, I were to bring forward a measure which should recognise any principle that excludes all consideration of the forbearance of the clergyman in levying the tithe—a measure which should be founded on the abstract value of the tithe taken, solely with reference to the crop—I apprehend that the great body of the tithe-payers would protest against that mode of settling the question, and would entreat to be left in the situation in which they were found. I believe it is generally acknowledged that, in any agreement made for composition of tithe practically, the clergyman of the Church of England exhibits much greater forbearance than the lay impropiator. I say, then, that on account of the opposition which would be offered to this principle by the payer of tithes, the insertion of such a provision would, at once, obstruct the success of the measure.

I will next advert to the propositions on this subject submitted to the House, in the years 1833 and 1834, by a

noble Lord, then a member of the House, the late Chancellor of the Exchequer, who had paid great attention to the subject, was perfectly acquainted with its details, and deeply interested in its successful and final settlement. He had deemed it his duty to attend carefully to the provisions embodied in those plans, and if, on a comparison with my own, I had considered the principles they contain better adapted to the accomplishment of the object proposed, I should have felt no hesitation in adopting them; and if Lord Althorp were now a member of this House, I should hope for his concurrence and assistance, in perfecting the measure which he was about to introduce. That noble Lord, in the year 1833, attempted to settle the question by proposing a voluntary arrangement for the payment of tithe, between the parties interested. It was intended by that measure, to give them the liberty to enter into a voluntary and amicable arrangement, which was to last for a year; but, after that year had elapsed, it gave either party the power to appoint a valuator for himself, and to call on the other party to appoint one on his own behalf, and then it provided that the tithes should be valued on the basis which these valutors, so appointed, might propose. The noble Lord, however, felt the difficulty that would result from this arrangement; and it was subsequently proposed, that the average payment for tithes, of the last seven years, should form the basis of composition. The bill was so far compulsory in its enactments, that it made it necessary that the actual payment of tithes, taken on the average for the last seven years, should form the unvarying basis of the measure. But the objection raised against this plan was, that there were very different degrees of forbearance or discretion—call it what you please—exhibited in levying tithe. In some parts of the country, and under certain circumstances, great severity had been exercised in

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collecting it, while in other places, and from the operation of local circumstances, or from the lenity of particular clergymen, great indulgence had been shown to the tithe-payer; there was consequently a very great difference between the rates of tithe paid by the tithe-payers of different places in different parts of the country. The details of this bill came under the notice of the agricultural committee, and they appeared to that committee altogether most objectionable; and the noble Lord, at a subsequent period of the session, declared that, in consequence of the objections made, not on the part of the tithe-owners, but of the tithe-payers, he would withdraw the compulsory part of the measure; and afterwards abandoning the rest of the bill, the law remained unaltered.

In 1834, another noble Lord proposed a bill for the settlement of the same question. He openly avowed, that so little did he feel any party-considerations to be involved in this measure, so little was he prejudiced in favour of the plan which he had devised, that though he thought his measure better than that of the other noble Lord, if any hon. member, on reflection, considered that plan preferable, he should be foremost to express a hope that that member would give notice of his intention to bring that measure forward again, in order that the two bills might be compared together, and that the House might be enabled to adopt that which was, on the whole, best fitted to accomplish the professed object of both. The bill of 1834 was drawn with great care and attention; and the object which it contemplated was the commutation of tithe for a money payment. The bill was rather complicated in its provisions; but, though the details were numerous, and the subject exceedingly dry, I must intreat the attention of the House, while I attempt to explain in what respect the principles of that measure differ from the one which I mean to propose. That bill included three objects—first, the substitution of

a money payment in lieu of tithe, which money payment was to bear a fixed proportion to the rent payable on the land. The bill then gave a power of redemption to the owner of the land, after the money payment was determined upon, on paying a certain number of years' (I believe twenty-five years') purchase. In case that redemption did not take place, there was then a power to convert the money payment into a rent-charge, which was to be permanently settled on the land. The mode in which that was to be effected was this:—The secretary of state had a power to appoint valuers, in districts which he had a power to constitute. He was to authorize the division of a county into certain districts, and in each of those districts to appoint a valuer of tithes and a valuer of land. That valuer, so appointed, was to fix a value upon the land in each parish within the district to which he was appointed. He was to divide the whole of the land into two classes; first into arable land, and then into that which was not arable, and which, though not pasture, he should, for the sake of being understood, call pasture-land. The arable land was to be that which had been under tillage for the five preceding years. The valuer was then to ascertain the amount of the tithes which had been paid on each description of titheable land in each parish. He was not to value, but to ascertain the actual amount of tithes which had been levied during the five preceding years, and to determine what amount of tithes, so ascertained, properly attached to the land which was arable, and that which was not. These awards from each parish of the district, (the values and amounts to which I have adverted having been ascertained,) were to be transmitted to the quarter-sessions. Then a mean was to be selected between the amount of tithes payable for each quality of land and an average struck of what the rate of substituted tithe was subsequently to be. This tithe-rate was to be applicable to the whole of each sort of

land in the district. Supposing the mean for arable land, upon ascertaining the amount in each parish in the district, and the mean for pasture, to be 5*s.* and 2*s.* 6*d.* in the pound, then the proportion of rate in proportion to the amount of rent, was to attach for a certain period. From the amount of tithe, however, which had been actually paid, the amount of rates and charges was to be deducted in each case, and the actual amount of tithes after such deduction was to be the basis of the collection of tithe payments.

It appears to me, after the most mature consideration, that there would be great obstacles in satisfactorily executing such a measure. There is that degree of complication attending it which would make it very difficult to work it satisfactorily. In the first place, there was to be a valuation of the annual profit of the land in each parish of every particular district. Now, unless in making that valuation great care were taken, there would be very uncertain results; because I apprehend that the value of a farm or land cannot be ascertained with reference merely to the quality of the land, or its productiveness; the considerations that influence a tenant in holding the land are of some importance; an inquiry into the state of the buildings on the land, and into many other minute particulars, would be necessary; and this sort of information being to be collected with respect to every acre of titheable land throughout the country, it would be almost impossible to come at perfect accuracy. The consequence could hardly fail to be, that ground would exist for innumerable remonstrances and complaints. The second difficulty which I apprehend is this:—The tithe was not to be valued by the valuer; the valuer was to determine what was the amount of the tithe for the five preceding years, and to apportion that amount of tithe to the arable land and the land not arable.

The valuer, then, was to apportion the total amount of the tithe collected to the arable and pasture land in each parish. Now, I believe, that great difficulty would be practically found in making that apportionment. It might be easy to determine the amount of tithe received from any given farm, but it would be very difficult for any valuer—a stranger, perhaps, to that part of the country—to determine what was the amount of the tithe which had actually, for the last five years, been paid for the portion that was pasture land, and what amount was actually paid for the portion that was arable. It should be observed, that the valuer was not to determine what amount ought to have been paid, but what had been the actual payments on account of tithe, and what the payments on account of the arable land, and what those on account of the pasture land. This, however, it was necessary to ascertain before the tithe-rate could be determined. I come now to the third difficulty. From the amount of tithe so determined, the total amount of which was to constitute the tithe-rate in each parish, the poor-rates and charges were to be deducted. But the rates and charges varied so much in different parishes that, after having so deducted, in the case of each parish, the rates and charges, when they came to apply the invariable rate in districts, they would find, that in many parishes in which the rates were low, people would be complaining of the amount of tithe fixed on them, while those in which they were high would, comparatively, be greatly benefited.

It appears to me, therefore, that these are serious difficulties in detail, in the way of satisfactorily carrying into execution this plan. But, suppose those objections to be obviated—suppose that the payments on account of tithe for the last five years were precisely ascertained, there would even then remain considerable difficulty. The re-

turns were to be made to the quarter sessions, and the district to which the tithe-rate was to be applied was not to be determined with reference to the value of the land, but was to be the county district—the division in which certain justices of the peace act. Now, it is clear that that was a totally arbitrary assumption, or division, without reference to the quality of the land; and these districts include land of different qualities. Under these circumstances, suppose they had valued the land accurately, the tithe-rate might have given great dissatisfaction. It was possible, that, if they spread the total amount of the tithe over the whole district, the result might have been fair to the whole body of the land-owners and the whole body of the clergy; but that was not enough. If, in any one district, the result was, to aggravate the tithe, it would be no consolation to the particular parish whose burden was so aggravated, to tell them that the balance was fairly struck, and that they would find that in a corresponding parish the tithe was proportionately small. To refer them to the more fortunate state of their neighbours would, in all probability, increase their dissatisfaction.

But I very much doubt if the House could assume the general principle with respect to a large district, of a fixed population, between the amount of tithe and the amount of rent; that must depend upon two considerations, which are entirely distinct from each other. The amount of the tithe is determined by the produce of the land: the amount of the rent is not determined by the actual produce of the land, but by the expense of cultivation. Let us suppose the case of one farm of a certain extent, that produces, say 100 quarters of wheat, which would sell for 300*l.*; and let us suppose that the expense of cultivation on that farm is only 200*l.*, that would leave a clear profit of 100*l.* to remunerate the farmer, out of which the rent would be

paid. Let us next take another farm, exactly equal in extent, and which produces exactly the same quantity of corn, but the expense of the cultivation of which is 250*l.* instead of 200*l.* The amount of the tithe being precisely the same in both instances, the proportion which the tithe would bear to the profit would be as twenty to a hundred in the one case, and twenty to fifty in the other. It is not necessary to calculate all the propositions; the principle applies universally.

It appears to me that the principle which assumes a fixed proportion between the rent and the tithe, and applies that universally, must be subject to the objection I have just stated, and must preclude the satisfactory operation of any Bill founded upon it. Take what districts you would, and let the quarter sessions come to what decision they might, it would be found that the value of the land depends so much on the quality and the expense of cultivation, that, though the difference might not in general be so great as in the example which I have quoted, still the consequence of such a plan would be to reduce the amount of the tithe in some parishes, and raise it in others—injuring some farmers, perhaps ruining them, and conferring a corresponding advantage on others. I will take, by way of illustration, a district in Sussex, which includes soil on the north side of the Downs and soil on the south side. There is a great disparity between the value of the land in these two divisions of the county, and also between the amount of the rent and the tithes; notwithstanding this, however, the average must be struck from the estimate of the whole value of the land and the amount of the tithes. The consequence, therefore, would be to apply a rate which would reduce the amount of the tithe raised in the parish which has the rich land, and increase it in the parish which has the poor land. The result would be

exactly the opposite to that which, on the whole, was desirable. Suppose that on the light land on the north side of the Downs, the rent of which is 9*s.* an acre, the value of the tithe is 3*s.*; and suppose that on the land on the south side of the Downs, the value of which is 40*s.* an acre, the amount of the tithe is 4*s.*; if we assume that these two parishes are a fair estimate of the parishes on each side of the Downs, and if we take the whole amount of the value of the land, and the amount of the tithe payable, and strike a mean between them—if the value of the tithe were 3*s.* an acre, and the land were worth only 9*s.*—the payment would be more than 1*s.* 8*d.* in the pound; but if the tithe were 4*s.* an acre, and the land were worth 40*s.* then the payment would be only 2*s.* in the pound. Thus it would be found that an attempt to strike an average between the two, and apply the principle uniformly throughout the district, would be to increase the amount of tithe received by the owner of the tithes in the poor parish, and to diminish the amount received by the owner of tithes in the rich parish. The result would be, that in those very parishes in which the tithes are at present not sufficient, and require an increase, they would be reduced, while in the parishes most distressed, and in which they were most onerous, they would be increased. I believe that any measure which should call on parties to pay an increased amount of tithe would create so much dissatisfaction, that nothing would reconcile them to it. In fact, if the result were to increase the burden of tithes, there would be a degree of dissatisfaction which no reasoning as to the general advantages of any measure would be sufficient to allay.

On account, then, of the complication of the plan, of the difficulty of applying it universally, on account of a part of it tending to raise the tithe in some parishes and

diminish it in others, and the dissatisfaction which I believe would be the consequence, after mature reflection—for I assure the House that I am in no way prejudiced against the measure on account of the quarter from which it emanated—taking all these circumstances into consideration, I retain the opinion which I expressed when the measure was originally proposed to the House. I still think it possible that some other plan may be suggested less exceptionable, and less complicated, which may, on the whole, give more satisfaction. I have stated the reasons why the plan which I have to propose is not founded—first, on the actual valuation of tithes—secondly on a mere reference to the average receipts for the last seven years, and—thirdly, on the principle of the noble Lord, who assumed a fixed proportion between rent and tithes, and applied it universally over a given district. Having excluded these three principles, the question was, on what principle could any other measure be founded? I have no hesitation in saying, that the principle which I have always considered preferable to any other is that of giving the most perfect facility and the greatest possible encouragement to the voluntary commutation of tithes.

In the first place, in favour of the voluntary commutation of tithes, I would refer to a document which was presented to the House by my right hon. friend, the member for the University of Cambridge. It was an account of the several parishes in England and Wales in which the commutation of the great and small tithes has been authorized by any Act of Parliament, distinguishing those cases in which allotments have been given in lieu of tithes. Before hon. Gentlemen form an opinion on this subject, it is important that they should examine this document, in which they will find an account of the number of private Acts passed from 1757 to 1830. The paper was drawn up with great care,

and, amongst other things, specified whether land was allotted, whether there had been corn-rents or money-payments, whether the commutation was for small or great tithes or for all tithes, and also whether or not the parish to which reference was made was a parish in which there had been any new enclosure. The House will, therefore, be able to judge of the extent to which commutation has taken place in the new enclosures. It appears that in upwards of 1,000 parishes there have been voluntary agreements, under which a commutation of tithes has been effected. Now it may be recollected that such agreements are subject to the greatest difficulties, and to a very great expense. In each of the cases there was first the labour to be undertaken of procuring a private bill, and next there was the cost of such a measure. On some of those Acts a sum of not less than 2,000*l.* has even been expended. I propose to remove the impediment of that labour, and to put an end to the expense; having done which, I cannot help thinking that great inducements would exist for the establishment of voluntary commutation; and I believe that great progress would speedily be made in carrying it into effect. Taking into consideration the facts, that in some parishes a *modus* has been adopted; that in some there are small tithes, and in others great tithes; that in some there are three or four parties entitled to the tithes, such as the vicar, the rector, and the lay impropriator, each entitled to his share—considering all these circumstances, I am afraid that it would be difficult to lay down a general rule by which any party having to arbitrate between these different claimants could decide at all satisfactorily what is due to each.

Then what is the rule that I would lay down? I propose to call in aid the principle of justice, I propose to enable parties to determine the question for themselves; and the rule, if universally applied, might preclude the necessity of

application to the law. The rule I would recommend is that of local knowledge, a sense of common interest, a desire to effect a settlement, a disposition to remove all difficulties, and to get rid of the expenses. Such a rule is applicable to all the different circumstances of various parishes, and would, I think, succeed better than any other. It would give great encouragement to commutation; but would facilitate it on a new principle. I must, however, explain some of the means by which I propose to assist in effecting this object. In the first place, I propose, if the legislature will sanction it, a commission of persons, who should superintend the whole, and the smaller the number of persons who should compose the commission the better; and that the commissioners should have the power of appointing an assistant-commission. I would propose also, that every parish in this country, after due notice to the tithe-owner and tithe-payer, should be entitled to meet for the purpose of considering the possibility of effecting an amicable settlement. Parties might be allowed to meet without such a notice; but I think it would be better for a notice to be given in every case, for the purpose of inviting all interested—to whom the assistant-commissioners would communicate their views—to attend. I believe, that one reason why commutations have not been more frequently made is this—though many may wish to have the advantages to be derived from them, and be desirous of seeing them effected, still what is every body's business is no one's: others may be terrified by the Tithe Act—some are ignorant of the form of application to Parliament for an Act. Then there are parties whose interest would tempt them to make an effort with such a view, but the trouble, labour, and difficulty of procuring the consent of individuals, as every body must know, who has been at all engaged in local business, are enough to deter from exertions for the public good.

I would invite, therefore, after due notice, a meeting of the tithe-owners and the tithe-payers, and would empower the commissioners to send down an assistant-commissioner possessing a full knowledge of the law on the subject, to be present at the meeting, to hear their complaints, to explain the law to the parties, and to explain to them the principles on which they ought to act. I would not bind the assistant-commissioner to any particular terms, but to look at all the circumstances, to be in one sense merely *amicus curiæ*, to suggest what might appear to be right, and then to leave it entirely to the parties. I would provide, that in case two-thirds in point of value of the tithe-payers should agree with the tithe-owner, then that their consent should bind the other tithe-payers. If the tithe-owner, however, and two-thirds of the tithe-payers should consent, still I would not allow that to be valid until after it should have been submitted to the commissioners in London, who should review the circumstances, in order to prevent fraud and collusion, and, after giving their consent, that decision I would enact should be final. I would then propose that the money payment for substitution should be what is commonly called a corn-rent in lieu of tithes, which corn-rent should be subject, at the option of each party, to a periodical revision, and should vary only according to the price of corn. I am not disposed to take the price of wheat alone, for it has not of late borne a fixed proportionate value to the value of other corn, but would take the periodical variation of the money payment in the shape of corn-rent, to be determined by a reference to the price of all kinds of grain, corn, wheat, and barley. I would not impose on any parish the necessity of the attendance of the assistant commissioner; if the parishioners could, by an amicable arrangement, come to a settlement amongst themselves, there is no reason why they should not be

allowed to do so ; but I would not permit the agreement to be binding till it had received the assent of the commissioners. Where the living is not in the Crown, but in the hands of the dignitaries of the church, it would be necessary to get the consent of the bishop ; but that there might be uniformity, the whole must be under the control of the commissioners, and the bishops should be represented to a certain extent, by giving the appointment of one of the three commissioners to the church, or by the application of some general principle of that law. Where the amount of corn-rent might be to be determined, of course it would be necessary that there should be an assessment, and that should be made by the authority of the assistant-commissioner. I also propose, in the case of a modus, to allow the parties to refer the matter, by way of arbitration, and for the purpose of an amicable arrangement, to the commissioners in London ; but if they required it, I would not debar them from the privilege of the ordinary proceeding. What I intend to offer is, that the parties might have their cases decided by the commissioners without incurring any expense. Seeing the number of cases in which, by the consent of both parties, land is granted in lieu of tithes, I would permit, with the consent of both parties, in any given time, a portion of land to be set aside in lieu of a money payment ; but the substitution should wholly be in the first instance a money payment. The remedies I would give for the recovery of a rent-charge would be by action or distress, or a summary remedy by the magistrates, if the sum were below a certain amount. In the case of lands on lease, I would permit the tithe-rent to be paid by the lessee, allowing him to deduct the amount so paid from the head landlord. The period I should propose for periodical revisions should be every seven years. In order to provide for changes in the value of corn, it should be

allowable for either party to vary the amount of the corn-rent according to the average prices of corn for the preceding seven years. I intend to limit the operation of this bill to five years, giving it only such further continuance as might be necessary for the purpose of completing any agreements that had been made under it.

When I reflect that, by the measure which I submit to the House, each party, the tithe-owners and the tithe-payers in every parish, would be free from the expense and trouble of applying to Parliament for a private Act, I cannot help thinking that the effect would be, to afford such great facilities that, general attention being once directed to the subject, the commutation of tithes would be adopted on the most satisfactory principle, I mean by mutual and voluntary agreement, in great numbers of instances. At first, I dare say, the progress made would not be considerable; there would probably be some angry discussion and some extravagant claims on either side; but the measure would, at all events, succeed in some few instances, and, the advantages attending the arrangement becoming known, I have no doubt that it would be generally adopted. The assistant-commissioner being able at his next visit to give a satisfactory account of the benefits derived from it in other quarters, the fair conclusion is, that such representations would have their effect. My expectation is, that long before the expiration of the tithe commutation commission, an amicable commutation of tithes would be effected in most parts of this country. I feel sure, at least, of this, that the arrangement would be found far more efficient than any plan for compulsory commutation. If it were only the actual experience to be gained by this measure, if it were only the knowledge to be acquired of what would satisfy each party, I think that would be a sufficient inducement to the legislature to pass

this bill. It would, at all events, enable it, in the case of parties who had declined to avail themselves of its powers, to determine what would be the most equitable principle on which to found a compulsory commutation. I think it desirable to make this bill as simple and intelligible as possible. The object is to get a fixed money payment in lieu of tithe, and thus to put an end to the discouragement of agriculture—to that discouragement of improvement which arises from the uncertain payments, and the demand for increased tithe in proportion to those improvements. I do not propose, therefore, to burden the measure with the question of redemption. First let us establish the commutation, hereafter we can determine as to the manner in which the redemption should be effected.

I do not think it necessary to detain the House longer; the details will be best ascertained by a reference to the bill itself; if I should go into them, I fear that I should be rendering my statements too obscure. By consenting to this measure, the House will facilitate the commutation of tithe, leaving the matter to be decided by the common and voluntary consent of parties chiefly interested, while at the same time an effectual security will be provided, inasmuch as it will be subject always to the control of the commission, in the constitution of which I give the Church a voice, in order to prevent any injury to its interests. In adopting that course I hope that a foundation will be laid in the safest and most satisfactory manner for the settlement of a question which has been the theme of discussion for ages, which has been productive of great expense in the shape of litigation, and has, I am afraid, been the cause of much local irritation, which I am convinced has only been prevented from breaking out into serious mischief, by the forbearance and temperate discretion of those who are interested in the levying of tithes. It is impossible, as I have

already observed, to read the testimony of those who are most personally conversant with the operation of tithes in all their bearings, without feeling satisfied that the conduct of the clergy of this country, as a body, in respect to the collection of tithe, entitles them to the character of the greatest liberality; having, in fact, sacrificed every personal and pecuniary interest to their desire and anxiety for maintaining a relation of friendly good-will among those over whose spiritual interests they are called to preside. It is because I feel that the landowner has a chief interest in the arrangement of this question, and because I feel convinced, from past experience, that the clergy are desirous of seeing it settled in a manner which, consistently with equitable principles, might be fruitless of litigation and unhappy collision with their parishioners, that I entertain a confident hope that the surest mode of laying the foundation, if not for an immediate, at least for a speedy and permanent settlement, is to be found in the amicable compromise and voluntary agreement of both parties immediately interested. I conclude therefore by moving the following resolution:—"That it is expedient to give facilities for the commutation of tithe in the several parishes of England and Wales, and for a payment in money in substitution thereof, to be charged on the titheable lands in each parish—such payment to be subject to variation at stated periods, according to the prices of corn; or for the allotment of land in lieu of tithe in parishes wherein the parties concerned may consent to such allotment."

In answer to a question by Mr. John Stanley,

The Chancellor of the Exchequer stated, in reference to the constitution of the commission, that the archbishop of Canterbury should have the appointment of one member, and the other two commissioners should be nominated by the Crown. It was not necessary that the members should be clergymen.

Mr. Gisborne wished to know whether the decision of the commissioners as to moduses should in all cases be conclusive, or whether, when parties wished, there might not be an appeal to another court?

The Chancellor of the Exchequer said, that the question of moduses had been very much narrowed by the late Lord Tenterden's Act. His desire would be to leave the matter always to the consent of parties. If they wished to avoid expense, he would encourage them to be guided by the commission; but if they insisted on a trial by jury, there would be no objection.

In answer to questions proposed by Mr. Lennard,

The Chancellor of the Exchequer said: The first question is, whether the occupiers of land, having only a temporary interest, shall have power to subject the land to a permanent charge. Now, my proposition is, that the consent of two-thirds in value of the landowners shall be obtained; and in the case of the occupier of land, he is to be bound to give notice to the landowner before the agreement of two-thirds can be ratified. The second objection originates in the possibility of land varying in value, but that will apply to all leases and corn-rents. The security against injustice in this case will be, that it is a voluntary commutation. The duty of the parties themselves will be to consider all those matters which refer to the possible change in the value of land, &c.; and act accordingly. But the experience of five years, to which the act will be limited, may enable them better to determine what compulsory principle the legislature should apply in cases of that kind. My opinion is, that the charge should depend, not so much on the actual value of the land, as on the value of the tithes likely to be derived from it.

Various other questions having been put in the course of the discussion which ensued, the Chancellor of the Exchequer said:—

I think that I shall best consult the convenience of the House if, before any further questions are put, I proceed to answer those which have been already addressed to me. As the present is only the first stage of the bill, every body will see that there are strong reasons why I should not pledge myself to the answers I might give upon the different points which have been raised during the discussion. I was certain of deriving great advantage from the discussion which I have already heard; and perhaps the best course which I can adopt will be, not to pledge myself in my reply to those points which have been pressed upon my attention. In reply to the hon. member for the city of London (Mr. Grote) I must observe that, where tithe comes in the shape of personal tithe, or of tithe upon houses, it is a subject of great difficulty. I have attended to that subject, but I cannot say that it will form any part of the present bill. I believe that the bill of Lord Althorp did not attempt to settle the difficulty which always must exist in the commutation of tithe in town parishes. An hon. and gallant Gentleman has asked me whether I would not compose my board of five commissioners. To this I reply that I prefer a board of three commissioners. It appears to me as a practical man, that the smaller a board of commissioners is, the greater is the responsibility resting on each commissioner, and that the greater the responsibility of each commissioner is, the more satisfactory is the exercise of the power with which he is intrusted. I propose that two of the commissioners shall be appointed by the Crown, and a third by the Archbishop of Canterbury. I place the appointment of the third commissioner in the power of the Archbishop of Canterbury in order to invest him with that power which is now exercised by the bishops in preventing incumbents from injuring the interests of their successors by improvident compositions. To give the

Church a countervailing influence for this power in the commission, I vest the appointment of one commissioner in the Archbishop of Canterbury, to which I think there can be no objection. Another hon. member has asked me whether the consent of two-thirds of the landowners in a parish to a composition would be compulsory on the remaining third. I am aware that there might be devices to saddle a third of the landowners with a burthen that was unjust. It is to prevent any occurrences of that nature that I should appoint this commission, for I think that there would be a great objection to making these voluntary compositions obligatory upon all parties, without some superintending power. To prevent one-third of the landowners from being overborne by the remaining two-thirds, I provide that no contract shall be valid until it has been considered by the superintending board in London. That board will receive any remonstrance that may be sent to it from any who consider themselves aggrieved, and thus, I trust, injustice will be prevented.

Another hon. Gentleman has asked, whether it would not be just to include other elements besides those which I have mentioned to determine the variations of the average. Now I cannot concur in the propriety of taking in meat as one of those elements. Though of late years it has been assumed that the price of wheat bears a certain proportion to the price of other provisions, I am not inclined to admit the correctness of the assumption. I think that the combined price of barley, oats, and wheat, would be a better and a sufficient test. The commutation rent might be re-adjusted at the end of any given number of years, according to the then average price of wheat, barley, and oats. If the composition were to be septennial, it would be formed on the average of seven years. If it were decennial, it would be formed on the average of ten years. The fewer the elements

taken into consideration the better; for, if more were taken, the bill would lose that simplicity which is, I think, its chief recommendation. Another hon. Gentleman asked me this question—supposing that two thirds of the landowners should not concur in the composition, would the remaining one-third have it in their power to make an amicable arrangement with the incumbent? The bill will not contain a provision of that kind; and in my opinion great caution should be exercised before any such provision is acceded to. The public advantage would not be advanced by it; for it would not be right in principle to grant to two or three individuals the power of making a private contract with the tithe-owner, and to leave to the clergyman the odium of collecting the remainder of his tithes in kind. It admits of great doubt whether such an arrangement would not in practice prove most unsatisfactory.

In reply to the question of another hon. member, I must observe that, when the tithe-owner had the consent of two-thirds of the landowners, and of the superintending board, the arrangement should be perpetual. To a question put by Sir Robert Price, I answer, that the bill will admit voluntary commutations. The commissioner will be at liberty to call the landowners together, to suggest, in cases of doubt and difficulty, an amicable arrangement, and to facilitate an agreement between them and the tithe-owners. He may say to them—"You will be fighting a question of modus for ever—you will be removing one difficulty only to start another—let me propose an amicable arrangement, and so put an end to every legal difficulty in which you either are or may be involved." I think that giving such a power to the commissioners will put a stop to much litigation. As to settling the difficulties in the way of composition which may arise in every parish, I cannot pretend to any such thing; and if I were to attempt it, the points

of difficulty under ~~this~~ new law would be as numerous as those now existing under the old law.

Mr. Parrott wished to know whether the burden was to remain on the owner or the occupier of the land? Was any abatement to be made where the land was highly cultivated?

The Chancellor of the Exchequer said: The tithe is to be levied on the occupying tenant, who will have the right to deduct the amount of it from the rent which he owes to his landlord. With respect to abatement, there was a power given by Lord Althorp's bill to make an abatement; but if parties made a voluntary arrangement among themselves, my bill would give no power to the commissioners to make any abatement from it. One word with respect to compulsory arrangement. If I had prepared a bill to make a compulsory adjustment of tithe, I should not have hesitated to give the commissioners power to make an abatement. But I have not prepared any such bill, as I have seen various attempts made to attain that object, and all of them ineffectual. I do not believe that any one general plan for a compulsory arrangement can be adapted to districts differing so much in local circumstances as the county of Cumberland and the county of Kent. Indeed, I do not think that any general plan of that kind can be devised which would give satisfaction to the tithe-payers throughout the kingdom. The best mode, as it appears to me, of getting ultimately at a compulsory arrangement, is to try first the voluntary plan, to see where it succeeds, and to note where it fails. Then, when additional information has been gained from various quarters, the House may steer its course through all the difficulties attending the compulsory plan. What I principally deprecate is, the making a compulsory arrangement as an experiment, and the failing in it. To fail in such an arrangement would throw the whole question back

for years; but to fail in this voluntary plan would lose no present advantage; the country would be just where it was—just as well off as before, and then the House might consider whether it would not adopt a compulsory arrangement. I will confess that I am more sanguine than many hon. Gentlemen appear to be with regard to the success of this voluntary plan.

In the accounts relating to the property-tax, there is some information respecting the amount of tithe which was taken in kind in 1810. In that year the amount of tithes was 2,353,000*l.*, of which there was under composition 1,932,000*l.* Therefore the amount of tithe not under composition, or in other words, taken in kind, was 421,000*l.* Thus, not more than one-fifth part, or speaking more accurately, only eighteen per cent of all tithes collected in England and Wales in 1810 was taken in kind. Now, all tithe compositions existing at present are voluntary arrangements under private Acts of Parliament. There are some parishes in which a composition on the principle of a corn-rent under a voluntary arrangement, sanctioned afterwards by private Acts of Parliament, has perfectly succeeded. I would instance two parishes, the parish of Lancaster, and the parish of Cockermouth. In 1824, an arrangement of this kind took place in the parish of Lancaster. A commissioner was appointed by an Act. The vacancy, when it occurred, was to be filled up by the justices at the quarter sessions. A corn-rent of 1,358*l.* was to be payable in lieu of tithes. The expense was apportioned among certain townships in a manner specified in the Act. There was to be a decennial re-adjustment on the appeal of the vicar or one or more owners of houses and lands at the quarter sessions, but the amount was not to be reduced below 1,358*l.* A new apportionment might be made decennially, by appeal to the quarter sessions of owners of the yearly value of

100%. That act has worked well, and no objection has been taken, or indeed can be taken, to the principle on which it is founded. In the parish of Cockermouth a composition has taken place on the principle of a corn-rent, and there too the plan has worked well. Now, I do not see why, in a great number of parishes, where no great expense would be incurred in carrying the plan into execution, the same principle might not be applied.

An hon. member has proposed, that land as well as money, should be assigned to the incumbent in lieu of tithes. He proposed, that land should be given to the clergyman where spare land could be found in the parish. In the case of enclosures, where spare land could be found, such a plan might be advantageous; but I am afraid, that the general adoption of it would only increase the difficulty of commutation. I do not exclude land from being given in lieu of tithe, but I would take a corn-rent as the rule, and land as the exception. The practice of Scotland proves, that there is nothing in the principle of my bill to prevent it from working well. I am glad to find, that the House has received my plan so well. If, in the progress of the bill, any alterations should be suggested, calculated to improve it, I shall be ready to give them the most careful consideration. I shall proceed at present on the voluntary principle, for I think that any compulsory arrangement would but compromise the success of that commutation, which we are so anxious to accomplish.

In answer to a further question from Mr. Grote,

The Chancellor of the Exchequer said that the expenses of the commissioners and other officers would be paid out of a public fund, but that the expenses of the surveyors, valuers and witnesses, must be paid by the landowners interested in the commutation, except in certain cases, which he would specify hereafter.

The Resolution was then agreed to.

ON THE LONDON UNIVERSITY.

March 26, 1835.

Mr. Tooke asked if it was the intention of the Government to oppose the motion of which he had given notice—namely, for an ‘Address to his Majesty, beseeching him to grant his royal charter of incorporation to the University of London, as approved in the year 1831, by the then law officers of the Crown, and containing no other restriction than against conferring degrees in divinity and in medicine?’”

Mr. Goulburn replied that it was his intention to move an amendment to this effect—that his Majesty would be graciously pleased to order copies of the memorials which had been presented against the charter that had been applied for, together with an account of the proceedings before the privy council.

The Chancellor of the Exchequer rose amidst loud cries of “Question!” and “Divide!” and thus addressed the House:—

I take it for granted, from the general demand that is made in the lower part of the House for an immediate division, that the Gentlemen assembled there are perfectly acquainted with the nature of the motion on which they are going to divide, that they have maturely weighed the proposal upon which they are going to address the Crown, and, therefore, that they consider there no longer remains any necessity for further discussion; but, to those who are not exactly aware—to that portion of the House which, not having heard the argument—[A number of members had just entered the House]—cannot be acquainted with the nature of the proposal upon which we are going to pronounce an opinion, I take the liberty of reading the motion. It is in these words: “That the House do agree to an Address to his Majesty, beseeching him to grant his Royal Charter of Incorporation to the University of London

as approved in the year 1831 by the then law officers of the Crown, and containing no other restrictions than against conferring degrees in divinity and in medicine." No man who has not read the Report of the then law officers of the Crown, or does not know the contents of it, is very well qualified to press the restrictions specified in the motion upon the Crown. The address is to grant a charter of incorporation, but to grant it upon the principle approved of by the law officers of the Crown in 1831. Now, I ask the House of Commons whether it be decorous to proceed, on a certain night, to address the Sovereign of this country to grant a charter to a certain body, according to the mode approved of by the law officers of the Crown some years since, without having maturely weighed the scheme of which the law officers of the Crown so approved? Will hon. Gentlemen consent that I should examine them severally upon the opinions expressed upon the Report of the law officers of the Crown, in order that I may ascertain, out of the 300 or 400 members who are about to pronounce an opinion upon it, how many have maturely considered the recommendation of 1831? The law officers of the Crown, who were consulted in that year proposed these restrictions upon the charter—that it should convey no power to the University to grant degrees in divinity and medicine. It may be very proper in the opinion of many Gentlemen, to restrict the right of giving degrees in divinity, but why impose the restriction with respect to medicine? Why address the Crown to exercise its discretion in the grant of a charter, but limit the grant by the expression of some opinions to-night, and exclude the Crown from granting a charter for conferring degrees in medicine! I have an account in my hand of the state of the University of London in 1831. It had then 480 students, of whom 298 were students in medicine, 113 students in the arts,

and 74 students in law. Am I to address the Crown to-night to give the privilege to the University of conferring degrees upon the 74 students in law, and upon the 113 students in the arts, but to exclude the 293 who are students in medicine? This question has been brought before the House on former occasions. No longer ago than last year it was submitted to Parliament, and taken into consideration by the Crown, and by his Majesty it was referred to the privy council. Suppose the House should agree to address the Crown again on the present occasion, what course is the Crown to pursue? Is it again to refer the matter to the privy council? Or is the Crown, having once referred it to the privy council, and having received no report from it, to disparage the labours of the privy council, and to grant the charter without reference to it? That is the question which the Crown must determine if this address be presented. The matter was referred to the privy council, because the King thought it was but right to give the parties who were adverse to the proposition an opportunity of being heard. What course is now to be adopted? If the Crown is not to exclude the privy council, is it to refer the matter again to the privy council?

The hon. member for Bridport (Mr. Warburton) says, he thinks that some better mode might be devised than granting a charter to the University of London. If the hon. Gentleman is of opinion that some better course might be pursued than that which is proposed to-night, why should not the House of Commons take his advice, and at least pause before it agrees to such an address as that now proposed? The hon. Gentleman says he thinks it would be better not to confer any exclusive charter upon the University of London, but to establish one general and common University for the metropolis, including the King's College and other schools, as well as the particular establishment

now under consideration. Then, why am I to be called upon to-night to present an address to the Crown, praying that a charter may be conferred upon the University of London? The hon. member for Bridport says, that those who sit on this side of the House are not in the habit of adopting liberal opinions. [Mr. Warburton: *Were* not.] Does the hon. Gentleman mean in the course of the last year? In the course of the discussions that have taken place upon this subject, the strongest opinions have been expressed against granting a charter to this University. I do not recollect ever having expressed a strong opinion upon the subject; but the strongest objection that presents itself to my mind to the proposition now before us is to be found in the proceedings adopted last year at the instance of the hon. Gentlemen then in the Government, but who now sit on the opposite side of the House, and by whom this very question of granting a charter to the University of London was submitted to the Crown, and by the Crown referred, as I have before stated, to the privy council. A committee of the privy council was appointed—they received the petition of the parties adverse to the grant of the charter, or at least anxious that it should be accompanied with certain qualifications—they heard the evidence—they heard the speeches of counsel on both sides—they heard a very able speech from my learned friend, Sir Charles Wetherell—they heard a speech from the hon. and learned Gentleman opposite (Dr. Lushington)—they took the whole subject into their consideration, but to this hour they have never given any opinion upon it. [“Hear, hear!”]

“Hear, hear!” says the hon. Gentleman opposite with a sort of triumphant laugh. I am only answering the charge he has made upon the hon. Gentlemen who sit on this side of the House as to the great obstructions that they have ever been disposed to throw in the way of education. I

presume, from what I have stated, that there must have appeared some good and valid ground for withholding the grant of the charter, especially as the late Lord Chancellor was one of the committee of the privy council which was appointed to inquire into the matter. I find, by a paper in my hand, that the members of that committee were the Archbishop of Canterbury, Lord Brougham, the Archbishop of York, Lord Lansdowne, Lord Ripon, the Duke of Richmond, Earl Grey, Lord Eldon ["Hear!"], the Earl of Carlisle ["Hear!"]. Surely if the hon. Gentlemen opposite cheer the name of one of those noble Lords, they ought to groan at the other. I continue: Lord John Russell, the Bishop of London, Lord Holland, Lord Lyndhurst, Lord Denman, Chief-Justice Tindal, Lord Melbourne, and Lord Stanley. This committee was constituted by the late Government; it met, and gave the greatest attention to the subject. It sat upon the 26th of April and on the 3rd of May. The late administration did not quit office until the 13th of November. And why, having considered this matter fully, having heard the speeches of counsel on both sides—speeches which certainly did justice to the subject, in point of length, as well as in ability—why, having heard all this, and closed their proceedings on the 3rd of May, they never took a single step upon the subject up to the 13th of November, I confess I, for one, cannot understand, unless they felt that there was some serious difficulty, legal or constitutional, that stood in the way of granting the charter. If that were really the case, what course is the Crown now to pursue? Is it again to refer the matter to the Privy Council? ["No, no!"] It is not to do so; it is not to ask again for the opinion of Lord Brougham or Lord Denman?

Mr. Tooke rose to explain. The right hon. Baronet had alluded to several reports of the law officers of the Crown not having been produced. He thought that the right hon. Baronet was hardly

aware that the paper which had that day been printed, and as yet but very imperfectly delivered to hon. members, did instance a charter which was issued upon the report of the Attorney and Solicitor-General, which passed through the Home-Secretary's office, through the Signet office, through the privy council, and which twice received his Majesty's sign manual. It was to carry into effect the recommendations of that committee, that he (Mr. Tooke) brought forward his motion.

The Chancellor of the Exchequer: The hon. Gentleman refers to a paper which he admits has been very imperfectly delivered. Was there ever such a farce? He holds in his hand a paper which he admits has been very imperfectly delivered this afternoon.

Mr. Tooke: I am not fairly treated by the right hon. Baronet.

The Chancellor of the Exchequer: Then I must have misunderstood the hon. Gentleman. I understood him to say, that the paper was not printed until to-day, and that as yet it had been but very imperfectly distributed. But I will not dwell upon the point. I proceed. I have described the proposition of the hon. member for Truro (Mr. Tooke). Now what is the proposal of my right hon. friend, the member for the University of Cambridge (Mr. Goulburn)? He proposes an amendment, praying his Majesty to give directions that there be laid before the House, not merely the proceedings before the privy council, but copies of the Memorials presented to, and the proceedings had before, the privy council, in the matter of the London University. I conceive that the House, being in possession of all those documents, will be better able to determine what course it will be proper to pursue, than it can be at the present moment. The hon. member for Bridport (Mr. Warburton) says, that he shall feel it to be his duty to press the question to a division, unless I will pledge myself to take the adoption of a particular plan, which he has pointed out, into my serious consideration. I will not, for the purpose of evading

the temporary difficulty, give any pledge of the kind required by the hon. member. If the House shall think it decorous to proceed to an address to the Crown, praying that a charter may be granted to the University, as settled by the law officers in 1831—if it shall be prepared to say to-night, that the charter, when granted, shall include a restriction on medical degrees, let it pursue that course. I say openly, that, in my opinion, it will be an unwise and an improper course. I believe that the course pointed out by my right hon. friend would be much more safe and much more satisfactory. It precludes nothing—it prejudices no future proceeding—it only enables the House to form a better judgment upon the question. But, feeling my objections to the motion of the hon. member for Truro to be well founded, I say on this occasion, as I say on every other, rather would I be found in a minority, and throw the responsibility of what I conceive to be an unjust and unwise proceeding upon the majority, than acquiesce in any proposition for the purpose of escaping an occasional or temporary difficulty.

I feel, sir, that it is not proper for the House to present this address to his Majesty. I feel that the presentation of such an address will not in any way facilitate the object which the hon. member has in view. My past experience convinces me of the justness of these feelings; and, therefore, upon these combined grounds, I cannot give my consent to the motion before the House. At the same time, sir, while I say this, I do feel that the position of that portion of his Majesty's subjects who do not conform to the Church of England, and who, in consequence of their not submitting to certain religious tests, are excluded from the Universities, is deserving of attention. It is a ground of just complaint for them, that their claim to academical honours is not fairly and fully met. As to what may be the proper mode in which these honours should be conferred, I

am not prepared to say, but I do not make this statement for the purpose of entrapping the House, nor will I give any pledge on the subject. Let the House take that course which, in its wisdom, it thinks fit, without my interposition. But, at the same time, it is right that I should not withhold the expression of my opinion; or refrain from declaring that I myself have no objection to some provision being made that shall confer on Protestant Dissenters, who are excluded from the universities, the power of acquiring academical distinctions. But that is a question which will demand very great consideration; and which, in my judgment, is very different from what is now proposed to be acceded to by the House. I do not apprehend, sir, that the Universities of Oxford and Cambridge, which now object to granting a charter to the London University, ever objected to that University granting degrees, and that the objection was confined to that charter, conferring the power to grant honorary titles which might be confounded with the university honours of Oxford and Cambridge. I believe, sir, there exists no objection to the London University granting degrees in the arts and in the law, specifying, in the diplomas, upon what authority those grants are made. At all events, that is a matter worthy of consideration. I hope, sir, that I have dealt with the House most fairly. I repeat, I make no pledge, and give no assurance upon the subject; because I have not yet given the matter the consideration which it deserves. I think the motion of the hon. member for Truro an unreasonable one; and I prefer the amendment of my right hon. friend, because I conceive it to be the only course which the House can with propriety adopt in the present state of this question.

I shall conclude by declaring, with great deference to the authority of the House, my respectful opinion that its decisions will acquire much greater authority, if adopted after

mature deliberation, and much greater weight will belong to them, if they are known to be the result of dispassionate discussion, and formed after the House shall have received the information that is within its reach. I hope the House will not come to a hasty resolve in favour of the terms in which the charter should be granted to the London University, especially when the hon. member for Bridport has stated, that those terms ought to be more extended, and when it is very doubtful whether medical degrees should be excluded from the charter or not.

The original motion was carried, on a division, by a majority of 110—Ayes 246, Noes 136.

ON THE CHURCH ESTABLISHMENT IN IRELAND.

April 2, 1835.

On the 30th of March, Lord John Russell moved in the House of Commons, "That this House do resolve itself into a committee, in order to consider the present state of the Church Establishment in Ireland, with a view of applying any surplus of its revenues, not required for the spiritual care of its members, to the general education of all classes of the people, without distinction of religious persuasion."

On the fourth night of the debate which took place on this motion, the Chancellor of the Exchequer thus addressed the House:—

It is because I take very much the same view of the intention and effect of the question now before the House, with the hon. and learned member who has just addressed it,

(Mr. O'Connell)—because I believe, that the carrying of it would be considered in Ireland as a proclamation of a future system of Government—because I believe that false hopes would be excited in Roman Catholics, and terror inspired in Protestants, unless the House acts with peculiar circumspection,—it is because I feel these things, that I am induced to overcome the disinclination which every man must have, whatever may be his experience in addressing a public assembly, to obtrude himself upon the House when its attention is exhausted, and when every argument bearing upon the case has been already urged with the greatest ability. Nothing but an imperative sense of public duty, imposed by the public situation which I hold, can, under such circumstances, overcome my disinclination to appeal to the patience and indulgence of the House.

At this critical period, at a time when Ireland is convulsed by agitation respecting tithe, we are called upon to decide this great question: what steps shall we take for the purpose of re-asserting an almost abdicated right of property? Four years have passed away without the practical assertion of that right in many parts of Ireland. The time has arrived when Parliament must interfere with the moral weight of its own inherent authority, and with the coercive obligations of positive law, for the purpose of enforcing rights which, if they remain longer in disuse, will be lost for ever. I am so impressed with the extreme importance of this subject, that a great part of what has occurred in the course of the debate I will pass over without notice. All that consists of personal sarcasm on members of the Government, of allusion to my course on the Catholic question, of crimination and recrimination, I will entirely pass by. I have no extracts of speeches to read, by way of retaliation for the scraps extracted from my own. I have very little confidence in my own infallibility,

and as little in the infallibility of others. It would, therefore, be no gratification to me to divert the attention of the House from this, the most important practical subject it has yet had to decide ; it would be no gratification to me to snatch from some of my opponents the petty triumph which they think they have gained over me, and by proving in return, by quotations from " Hansard's Debates," or the " Mirror of Parliament," that, in the course of last year, they entertained opinions different from those which they now hold.

We are now called upon to decide a great question of public policy. There are four courses which are open to us to pursue ; at least there are four only that suggest themselves to my mind. You may adhere to the general principle of the existing law, and determine to maintain the Established Church in Ireland in the possession of its property. That is one course. You may assert that the property of the Church of Ireland is excessive, and attempt a final settlement of the question by determining the amount of the excess, discouraging all false expectations, by defining expressly the amount which you have determined to take from the Church, and declaring that the rest shall remain secure in its undisturbed possession. That is the second course. The third course you may take is, to proclaim to the world—" We have no preference for one religion over another—we will mete out that full measure of justice which the hon. and learned member (Mr. O'Connell) did not in direct terms call for, but to which the whole of his argument was directed—we will destroy the predominance of any one favoured religion, and either withhold endowments from all, or grant them to all indiscriminately and without a preference." That is the third course. What is the fourth ? The course which the noble Lord, the member for Devonshire, (Lord John Russell,) proposes, the

fatal course of superadding to religious dissensions the dissensions of conflicting pecuniary interests,—of leaving nothing settled—of establishing nothing with respect to the amount of an assumed surplus—of laying down no principle, by which either the amount or the application of that surplus can be determined—of contenting yourselves (and this you call a permanent settlement of the question !) with asserting an unprofitable right to apply an imaginary surplus to an unexplained purpose. I should have thought the wit of man could have devised nothing more effectual than this for adding to the confusion which prevails in Ireland. But I was mistaken. You have not only adopted the mischievous course, but you have yourselves proved the folly of it. You have proposed one plan and argued for another. You have attempted to prove that you ought to destroy the predominance of the Church, and you leave it, with curtailed revenue indeed, but with predominance untouched. You shrink from acting on your own principles ; you forget your own arguments ; you invite us to take up a position which those arguments proved to be untenable. You tell the people of Ireland, not only that you will not determine the amount of the excess of the revenues of the Protestant Establishment in Ireland, but that you cannot indicate by what test it shall be decided. You leave it dependent on the will of any Government—you leave it dependent on the discretion of any man ; all you say is that, if there be a surplus, about which you are not certain, you will apply it to an object which you will not explain. Your attempts to modify your own resolution, and diminish its danger, only throw in new elements of confusion. If Protestantism increases, you reserve the right to make additional provision for the Protestant Establishment—that is to say, you tell the Roman Catholics that they shall have a direct pecuniary interest in preventing the increase of that party which has (in the

words of hon. members opposite) exercised tyranny over them; that they shall have now an opportunity of revenging themselves for their past wrongs, by preventing the spread of that religion, through the extension of which their share in the public spoil will be diminished. Surely, Ireland is convulsed enough already—

“ There hot and cold, and moist and dry,
Contend alike for mastery.”

But [turning towards Lord John Russell] you throw chaos in. You, who professed yourself unable to determine this question until you got further information—you, who appointed commissioners, not to inquire into statistical details merely, but expressly into the bearings of the Church Establishment in Ireland upon the religious and moral welfare of the country—you would not wait till you received the report of your own Commissioners—until you could arrange your own plan—until you could conduct the people of Ireland to the peaceable settlement of the question, by producing, not an indefinite principle, to be applied on a remote and uncertain contingency, but a matured plan, affixing limits to the application of your principle, and enforcing its just execution. And for what is this done? For the mere purpose of embarrassing a Government, of throwing an impediment in the way, not of the final adoption—for that might be justifiable—but of the calm discussion of a measure proposed with the sanction of the Crown. What risk would you incur, what advantage would you lose, by placing your practical plan in competition with that of the Government, and moving that plan in committee as an amendment upon ours?

I am prepared to assert the rights of the Church to the remnant of the revenue which is left to her. All that I now ask is permission to state calmly the grounds upon

which I come to that conclusion. In the first place, I intreat you to bear in mind that there are other parties who are looking to our decision with equal anxiety to that which the Roman Catholics take in the result of the question—I mean the Protestants of Ireland. I am not disposed to deny, that if you are clearly and decidedly of opinion, that an imperative public interest requires the abandonment of a national compact, the violation of long prescription, the abrogation of laws affecting property—I am not disposed to deny the abstract absolute right of the legislature to do all these things: but I do assert that, before you do them, before you violate a solemn compact, and falsify the expectations to which you have yourselves given rise, you ought to be convinced, by arguments approaching to demonstration, of that overpowering necessity, which can alone be your vindication.

Within the last forty years, three great measures have been adopted affecting the relation of the Protestants of Ireland to their Roman Catholic fellow-subjects. The first of these measures was the Act of Union, which differs in this respect from an ordinary law, that it was a national compact, involving the conditions on which the Protestant Parliament of Ireland resigned its independent existence. In that compact express provision is made, which, if any thing can have, has an obligation more binding than that of ordinary law. The hon. member for St. Alban's (Mr. Ward) may endeavour to show, by reading resolutions and extracts from Mr. Pitt's speeches, that some right was reserved in the Act of Union of interfering with respect to the Church. A right was reserved in that act with respect to the removal of the civil disabilities of the Catholics, but no right was reserved to the United Parliament to deal with the property of the Church in Ireland. Let any man read the Act of Union, and if its meaning is to be decided by a refer-

ence to the plain ordinary sense of the terms, he cannot doubt what that meaning is. The act stipulates for the continuance and preservation of the Established Church as the Established Church of England and Ireland. There is, first, a stipulation that the doctrine, worship, discipline, and government of the united Church shall remain in full force and for ever. Here you will say there is nothing specific as to Ireland; no mention of Church revenues. There is not; but superadded to this stipulation is another, as binding, as solemn, and which, being superadded, implies some new guarantee; the guarantee, I contend, of temporal rights and possessions. It is as follows:—"the continuation and preservation of the said united Church, as the Established Church of England and Ireland, shall be deemed and taken to be an essential and fundamental part of the Union." This is the first of the three measures to which I referred, as the outworks and defences of the Church in Ireland.

I come to the second. In 1829, the civil disabilities of the Roman Catholics were removed by the legislature, and the measure by which that object was effected partook also of the nature of a compact, as distinguished from an ordinary law. If this Act is, as we feel it to be, irrevocable with respect to the privileges which it conferred upon Roman Catholics, it is also (unless some great and urgent necessity should arise to render a change necessary) irrevocable with respect to the assurances which it gave to Protestants. By that Act, the Protestants of Ireland were led to believe that all intention to subvert the present Church Establishment as settled by law within these realms was most solemnly disclaimed and utterly abandoned. They were assured, on the obligation of an oath, that no privilege which the Act confers would be exercised to disturb or weaken the Protestant religion or the Protestant government within these

realms. They were told that the removal of the civil disabilities of the Catholics would give new security to the Church in Ireland. They were told that the removal of those disabilities would fully redress the injustice of which the hon. and learned member for Dublin has just been complaining. They little thought that, within five years from the passing of that Act, the power which it conferred would be exercised to subvert the Church Establishment, so far as regards the property of the Church.

The third and last measure to which I have alluded as affecting the relation between Protestants and Roman Catholics in Ireland, and the immediate interests of the Established Church, is the Act passed within the short period of two years, for the reduction of the number of bishops in Ireland, and the regulation of the temporalities of the Church. You determined, and in my opinion wisely, to review the state of the Irish Church, and to remove every imperfection and abuse. You provided, and in my opinion wisely, that ecclesiastical sinecures in Ireland should follow the fate of civil sinecures—that measures should be adopted to reduce the revenues of livings too amply provided for, and to apply the excess to the increase of livings, for which there was no adequate maintenance, and to the building of glebe houses. Those who introduced that Act contended, at first, that the improved fund obtained by the conversion of bishops' leases into perpetuities might be applied to secular purposes, but the subsequent abandonment of that clause, and the whole remaining tenor of the Act, clearly show that the principle of reserving ecclesiastical property for strictly ecclesiastical purposes was rigidly adhered to. Two years only have elapsed since the date of that Act, and now, notwithstanding the Act of Union—notwithstanding the removal of the civil disabilities of the Catholics—notwithstanding the Reform of the Irish Church—notwith-

standing the extinction of ten bishoprics, the learned member for Dublin (Mr. O'Connell) tells you that it is absolutely necessary that a proclamation should go forth to Ireland as the indication of a new system; and of the commencement of a new era.

The member for St. Alban's contends, that because we concurred in the propriety of removing abuses in the Church Establishment of Ireland, and consented to the curtailment of livings too largely endowed, for the express purpose of supplying the deficiencies of others, we ourselves sanctioned the interference with the property of the Church, and are thereby now precluded from objecting to the application of that property to secular purposes. He sees no distinction between the correction of an abuse for the express benefit of the Church and the diversion of its revenues to other objects. The noble Lord who introduced this motion declined entering upon the question of the inviolability of church property, thinking it involved long disputes, and that it was a Serbonian bog, in which whole armies of unfortunate logicians had sunk. I think the noble Lord acted wisely in determining to skirt the bog. The member for St. Alban's, however, said boldly that, notwithstanding the warning of the noble Lord, he would plunge into the bog, and endeavour to reach the other side; and it is the ill-success of the hon. member which has determined me not to follow his example. I watched the course of the hon. member, and saw him, with great pain to himself, oppressed, no doubt, with the weight of his own arguments, floundering with Bacon in one hand, and four or five equal authorities in the other, in the middle of that bog, from which he never emerged whilst I remained in the House. I have no doubt, as I said before, that the cause of the hon. member's mishap was his being encumbered by the armour of his own ponderous arguments. If gentlemen will come down to

discuss questions in this House, loaded (as the member for Shaftesbury (Mr. Poulter) professed himself to be) with all the hoarded wisdom that has been accumulating from the time of Noah to the very moment by the clock when he himself rose to speak, they must expect to meet the fate which has befallen the hon. member for St. Alban's, and to be engulfed in the same bog. What can be more absurd than to assert, that, because we consent to make some specific improvement in the distribution of ecclesiastical property, for the admitted benefit of the Church, we are thereby compelled to assent to a proposal for applying that property to secular purposes? The Church, it is said, is not a corporation, but an aggregate of separate corporations, and if you touch one of them, you sanction the principle of control over church-property, and the right to divert it to other purposes. This may sound logically correct, but appears to me practically absurd. What has been the course of the law with respect to this subject? On what principle do the first-fruits proceed? On what principle does the Curates' Act rest? In each case, there is interference with the separate corporations, with the revenues of the individual preferment; but it is absurd from thence to attempt to establish the general right to apply ecclesiastical property to secular purposes.

I contend, then, that nothing but the strongest conviction of absolute necessity can justify us, in defiance of the Act of Union, in defiance of the Catholic Relief Bill, and in defiance of the Church Temporalities' Act, (and the understanding which prevailed in Parliament at the time it was passed,) in appropriating ecclesiastical property to other than ecclesiastical objects. It is wholly unnecessary for me to discuss the question, what, on the supposition of there being an immense surplus, injurious to the Church itself, I would do with it. I will not discuss an

hypothetical case. Why should I be called upon to discuss a contingent and hypothetical case, when in my opinion there is no surplus at all? Do not, however, infer that I entertain an opinion in concurrence with yours, because I decline to discuss a contingent and hypothetical case. The practical question is quite sufficient to occupy our attention at this stage of the debate, and therefore I will avoid all superfluous discussion. The noble Lord, the member for Devonshire, says, that the whole annual revenue of the Irish Church is 791,000*l*. I assert, as positively, on the other side, that so far from the Church in Ireland having a clear revenue of 791,000*l*., it has not 450,000*l*. There is, you see, a great difference between us. Now, I ask the House of Commons whether it is just or wise to pronounce a decision with respect to the disposition of an assumed surplus, when so great a difference of opinion prevails as to the amount of revenue? Is it fair, I ask, to create a prejudice against the Church by the assumption of unfounded data? We are told that the Perpetuity Purchase Fund will realize a capital of 3,000,000*l*.: I say, that it has not realized 60,000*l*., that it is now in debt to the amount of 100,000*l*., and, from the information which I have received, I believe it never can realize much more than the third of 3,000,000*l*. We are told that the annual revenue of the church is 791,000*l*.; I assert that it is not more than 450,000*l*., and then I ask you whether you will this night adopt a resolution pledging you to an appropriation of a surplus, which has no existence, except in the imagination of the noble Lord? I will ask the noble Lord a question:—Has he made an estimate of the sum required for the purposes of national education? I beg the House to observe that this is a very important point. Ought we to be called upon to lay down a rule with respect to the application of a surplus—ought we to bind ourselves to its appli-

cation to one specific object in preference to, nay, in exclusion of, every other—without having some estimate of the sum which will be wanted for the purpose to which the appropriation is to be made? I wish the noble Lord would endeavour to answer the following argument. The noble Lord assumes that the revenue of the Church is 791,000*l.*, and proposes to appropriate a certain proportion of that sum to the purposes of education. I ask him what estimate he demands for those purposes? Does any man believe that 100,000*l.* will be required annually for education? However, to prevent any cavilling, I will give the noble Lord double that sum, namely, 200,000*l.* I would indeed, advise the House, before they encumber education in Ireland with an annual grant to such an amount, to acquire some information upon the subject; and well to consider what effect may result from such an application of money by discouraging local exertions, and drying up the sources of local contributions. But supposing the noble Lord should require 200,000*l.* annually for purposes of education, he would still leave the Church of Ireland, according to his own showing, in possession of a yearly revenue of 591,000*l.* Now, observe, he claims no part of the church revenue for any other object than education. His settlement, he says, is to be a final one. He excludes, therefore, every other object, and admits that the amount of revenue which he leaves to the Church is not too large. That amount is 591,000*l.* But I will show that the Church has only a revenue of 450,000*l.*; that it is actually less by 140,000*l.* than what the noble Lord himself is willing to leave to it, after his deductions for other objects. How can you then resist the conclusion, that, if my estimate of the future revenue of the Church be correct, you have a deficiency to supply, rather than a surplus to appropriate, and that you are wasting your

time in an unprofitable and mischievous discussion? Still I do not ask you to decide against the question of appropriation now; I only ask you to inquire before you decide, into a simple, surely an important fact, whether the revenue with which you are about to deal, amounts to 791,000*l.* or to 450,000*l.* This matter is too important to be thus trifled with. You have a right to insist upon the noble Lord's producing the grounds of his calculation and the details of his practical plan. That is the only course to prevent the exciting of extravagant hopes and subsequent disappointment. The noble Lord's proposition will not give satisfaction to any party—neither to the people of this country, nor to the Protestants of Ireland, nor to the Roman Catholics. Why, then, should we, at this stage of the business, without waiting for the report of the Commissioners appointed a few months since—a report to which I attach no importance, but which the noble Lord must consider the foundation of his measure—why should we pledge the House of Commons to a resolution which is utterly unnecessary, and give a pledge which we may not be able to redeem?

You say, and you say with truth, that the Irish Church has not hitherto succeeded in effecting the great objects for which it was established. I wish to meet that question. I am prepared, I am anxious, to discuss it. I know there can be no advantage in concealing what constitutes the real stress and substance of the argument on which you mainly rely. I may fail in controverting that argument, but I have no wish to shrink from or to misrepresent it. You say, then, that the Irish Protestant Establishment has failed in effecting the ends for which it was instituted; that there are not more than 1,000,000 of Protestants, while there are 6,000,000 of Roman Catholics; that the Protestants have not been on the increase: that the Roman Catholics still maintain the great ascendancy of numbers; and, the Pro-

testant Establishment having thus failed in accomplishing its objects, you are now, therefore, at liberty to curtail its supposed excessive revenues. My answer is simply this :—if there have been causes in operation, up to a very recent period, which have prevented the growth and expansion of Protestantism, and if those causes have now ceased to exist, if they are no longer operative, you are not justified in arguing from the experience of the past ; you are not justified in appropriating a surplus which might not be necessary for the wants of the Establishment, if the past were to continue, but which, because that past is not to endure, may be now, or may become, necessary for the spiritual wants of the Irish people. We have, in the first place, removed all civil disabilities, and put Protestant and Catholic in circumstances of perfect equality as to the possession of civil rights. It was one of the most forcible arguments against the existence of those civil disabilities, that, while they continued, a prejudice was unavoidably fostered against the reformed religion, and that an impediment of pride was necessarily opposed to conversion and conformity. There appeared to be a worldly interest in conforming to Protestantism, of which it shocked the feelings of the Roman Catholic to incur the odium. But that impediment has now been removed. Conformity brings with it no temporal or civil advantage ; there is no obstacle, therefore, of pride to be overcome. Again, there were abuses in the Church, and an irregularity in the distribution of its revenues, which had also impeded the progress of its doctrines. I say, again, those abuses have ceased to exist, or, if they still continue, they shall cease to exist. The time has come when all abuses must be corrected—the time has come when Parliament must insist on their correction. No one will vindicate the exact distribution of the ecclesiastical revenues of Ireland according to the mode heretofore adopted, provided you can

show that another distribution for the same objects will be more serviceable and advantageous ; there is no other limit to the principle of correction than that of applying church revenues to ecclesiastical purposes. It is said, again, that the superfluous wealth of the Establishment has been another cause which has obstructed the progress of reformation. Superfluous wealth indeed ! The superfluous wealth of the starving clergy in the south of Ireland ! You have already taken effectual measures to remove the obstacle of superfluous wealth to the progress of reformation. What a mockery ! To talk of the trappings of luxury and indolent enjoyment among those who have been robbed of their property for the last four years ! It is possible that, in the inscrutable dispensations of Providence, the miseries which the clergy have endured, the extreme suffering they have undergone, but, above all, the patience and meek forbearance with which many of them have borne their wrongs, manifesting a determination for themselves and—what is a harder trial—for their families to submit to privations from which your own meanest servants would shrink with indignation—it is possible that this training in the school of affliction, this public exhibition of undeserved wrong, may conciliate towards the sufferers, and towards the faith which they profess, a feeling of respect which may predispose the public mind to receive the salutary influence of a pure and tolerant religion. If, then such be the case, if some of the causes which have prevented the spread of Protestantism have been removed, what right have you to legislate on the assumption of a surplus ?

You are not now about to determine whether it is expedient to found a new establishment in Ireland—you are not about to determine how you will appropriate an unapplied revenue to religious purposes. The Establishment is in existence. The revenues belong to it. How will you deal, let me ask, with the churches that now exist ? You

have already 1,100 churches for Protestant worship. Is it part of the noble Lord's plan to abandon them? You have 800 or 900 glebe-houses. Under the Temporalities' Bill you have made provision for the increase of small livings and the building of new churches. How do you mean to deal with the existing state of things? You say it is your intention to encourage the Protestant landlord to reside on his estate. Shall the first spectacle you place before his eyes be the dilapidation and ruin of that church which should afford a sanctuary for himself and family? I do call upon the hon. member for Weymouth (Mr. Buxton) to lend me his attention for a moment to this part of the case—and, to the last report made by the Commissioners acting under the Church Temporalities' Bill, who were appointed by the late Government, and some of whom now preside over the Board of Education. To that Report I entreat the attention of the hon. member, and of every hon. Gentleman who professes not to consider this as a party question—whose mind is not yet made up—who is willing to pause—[Interruption]—O yes! you, who make that exclamation, well know that there are many who are dissatisfied with the progress of this debate. [Cheers.] I understand you—there are many who are uneasy, who are unconvinced, who are not yet quite prepared to give the irrevocable pledge. ["No, no!" and cheers.] I call, then, on those whose minds are not yet made up—not to decide to-night on the principle, but to wait for the practical plan by which that principle shall be carried into execution. [Loud cheers, and some interruption from the hon. member for St. Alban's.] Oh! I am not addressing myself to you; I have no hope of your conformity. I am addressing myself to those who have not taken quite so prominent and conspicuous a part, and from whose position I infer that their minds may be less determined than yours. I call their attention to this last Report, which was made to the Government specifically on

the subject of the demand for Protestant worship. The first name appended to it is that of the Archbishop of Dublin, and the Report states, "In connexion with the subject of churches, the commissioners cannot but express the satisfaction they feel in having to report to your Excellency, that many applications have been made to them for aid towards the erection of additional churches, it appearing that the accommodation at present subsisting in those districts or parishes from which applications have been received is quite insufficient for the congregations of the Established Church. And while the commissioners have to mention that in many cases parishes have expressed their willingness to contribute or cause to be contributed certain proportions of the expenses required for building churches, in some cases amounting to one-fifth, in some to one-half, and in others to three-fourths of the sum required for the purpose—we cannot but regret to say, that our superfluous funds, which are only applicable to the objects under consideration, could hold out no prospect of the applications in question being favourably entertained." Now, it surely argues no indifference, no lukewarmness, on the part of the Protestant population, when parties are willing, after you have abolished the vestry cess, to contribute one-half and even three-fourths of the expense required for the erection of additional places of Protestant worship.

Now let me for a moment again address myself to the argument of the hon. member for Weymouth, (Mr. Buxton,) who discussed the question in the fair spirit in which it ought to be treated. Determined to maintain the Protestant Establishment, he thought that there was still an available surplus, and was prepared to appropriate it to some purpose of education, reserving a fund for the necessities of the Protestant religion, in case such necessities should hereafter arise. Now I differ from him in opinion with respect

to this: I think that the necessity he contemplates now exists—that it is now necessary to appropriate the whole of the existing revenues of the Church to ecclesiastical purposes. The hon. Gentleman says he would send through Ireland a number of Protestant clergymen, whose zeal should supply the place of wealth, and who, by the exercise of disinterestedness and the exhibition of poverty, should conciliate towards themselves those feelings of kindness and respect which have been nearly extinguished by the noxious exhibitions of worldly wealth. It is because I totally differ from the hon. Gentleman as to the policy of the course he recommends, and the probable effects of that policy, that I come to a different conclusion from him, as to our control over an available surplus, and that I hope, if I succeed in converting him to my views, I may even yet have the benefit of his vote. The plan suggested by the hon. member is that which has been unequivocally condemned in this debate by the noble Lord, (Lord John Russell,) who maintained that nothing could be more fatal, in attempts to convert the Roman Catholic population than the exhibition of intemperate zeal. I intreat the hon. Gentleman to remember also, that the policy of our Establishment is essentially different from that of the Roman Catholic Church. It may be possible for a man on whom celibacy is enjoined to pass his hours in retirement, and, free from domestic cares, to devote his life to the unremitting discharge of the spiritual functions of his office: but we impose no restrictions of celibacy, we do not hold that the local influence of a religious and pious clergyman will be diminished, if he is also enabled to set the example of a strict performance of every domestic duty. I deny, then, the justice of the hon. Gentleman's argument; I think it is infinitely better to place a man of education in a fixed and permanent charge—to remove him from the temptation of poverty, to allot to

him what may be sufficient for the decorous and independent maintenance of himself and family, and trust to the mild, beneficent, and assiduous discharge of his pastoral duties, and the exhibition of virtuous example in domestic life, as more likely to make an impression on hostile minds, than if we required, as part of our system, the possession of extraordinary virtues and extraordinary zeal—expecting, not in the case of a single individual, but, systematically, from all whom we may employ, that they should be able to resist all the temptations, and endure all the privations, of poverty. The principle of our Establishment is, in my opinion, a safer and a wiser one. When I look at the expensive course of education which must be pursued by a clergyman—when I look at the situation which he ought to sustain—the means he ought to possess of influencing those who stand in at least as much need of his ministrations as the humbler members of his flock, those, I mean, in a corresponding station in life with his own—I should deprecate, above all things, the encouragement of an extravagant zeal, and the exhibition of poverty, as the instruments of conversion, and the guarantee of moral habits in Ireland. If you admit this principle—if, looking to the education that must be had, and the acquirements that must be attained—looking to the life which a clergyman must lead—the dangers to which he and his family may, perhaps, be exposed—the absence, in many parts of Ireland, of all society which can be gratifying to the feelings and habits of an educated and intellectual man—the demands upon his charity—what, I ask you is the sum which you think would be fair and sufficient to provide for the maintenance in such circumstances of a Protestant clergyman and his family? You have now 1,400 benefices in Ireland, 1,100 churches, 1,400 clergymen, and, in addition, 600 curates, to whom hitherto no reference has been made

—how many of these do you propose to reduce? Do you think you can propose, without shocking the feelings of the Protestant population in Ireland, to remove 200 or 300 clergymen from the benefices which they now hold in that country? After making any reductions which you may propose, what sum, I again ask, will you provide as sufficient for the maintenance, in decent independence, of a Protestant clergyman and his family? I should object to any principle of division for the purpose of effecting an equalization of incomes; but if the sum you were to allot does not exceed 300*L.* a year for each clergyman, suppose it were equally distributed, does the hon. Gentleman (Mr. Buxton) think that we are claiming too much, if, in the present state of things, we demand the application of the Church revenues to strictly ecclesiastical purposes.

I will now examine the argument adduced by the right hon. member for the town of Cambridge (Mr. Spring Rice,) which seemed to make considerable impression on the House. The argument was this—that by the original endowment of the Irish Church there was a pecuniary charge on account of religious education, and that therefore there could be no injustice to that Church in the appropriation of some parts of its revenues to the purposes of national education. Now, I deny the validity and application of that argument. After two days' debate—after a marked difference of opinion on principle between those who had taken a part in it, some contending that the surplus endowments of the Church might be applied to secular purposes, others denying that they could, the right hon. Gentleman came down, at the close of the third night's debate, and declared, "There is not the slightest necessity for any difference of opinion between us on the point; I will prove that education is an ecclesiastical purpose, and put an end at once to the whole question in dispute, on

the authority of King Henry 8th." But I hold in my hand a report made on education by an authority to which the hon. members opposite will, I have no doubt, be inclined to pay the utmost deference; that authority being no less than the right hon. Gentleman (Mr. S. Rice) himself. The report was made so lately as the year 1828. It reviewed the whole of the previous reports on education—it embraced some twenty-three resolutions—it contained a specific reference to the act of Henry 8th; but not one word is said in the whole of that report, from beginning to end, with respect to education being a pecuniary charge on the Church of Ireland. The right hon. Gentleman neither proposed the application of church revenues to defray the charge of education, nor was he then an advocate for gratuitous education. Now, you are about to decide that question also by your vote—you are about to decide, that education shall be gratuitous in Ireland. I ask you seriously to consider the importance of this principle, I ask you to pause before you sanction it. There are, in my mind, the gravest and most serious grounds of doubt with respect to its propriety and expediency. I utterly deny the possibility of applying any such sum as 200,000*l.* annually to education in Ireland without doing much more harm than good. Here is the right hon. Gentleman's own report in 1828. I will not refer to it at any length, but the purport of it is to recommend the plan of the noble Lord, (Stanley,) which was adopted by the House of Commons; but not one word does it contain of the pecuniary charge which he now asserts rests on the Irish Church revenues for purposes of education. On the contrary, here is one of his own resolutions:—"That it is the opinion of this committee that parliamentary aid for the establishment and support of schools in Ireland should be for the future restricted in granting aid to parishes to two-thirds of the sum required;" and then follow details of

the manner in which the local assessment ~~should~~ be raised ; the principal object being to invite individual contributions and assistance towards the erection and superintendence of the schools. This was a wise principle. It was not recommended by economy alone. It proclaimed the great truth, that those who hold property have duties attached to the possession of it, and are bound by local ties to attend to local interests. It established the best link between the rich and the poor. It gave to the rich an interest in the condition of the poor ; it confirmed in the poor a feeling of respect and gratitude towards the rich. I do not hesitate to say, that, even if you had the money to apply, you would do more harm than good, if you were to relieve the clergy and gentlemen of Ireland from the duty of paying that attention to local matters which those in England are accustomed to pay, from the necessity of local contributions, and local exertions in the cause of local education.

The right hon. Gentleman asserts, that the act of Henry 8th established the principle, that the charge of education, the pecuniary charge, ought to be defrayed by taxation of the Church. Now I assert, as boldly as the right hon. Gentleman asserts the contrary, that the object of the act of Henry 8th was, with regard to education, to recognise and confirm the principle of an Established Church ; and that the inference he has drawn from it, that it confers a right to appropriate the surplus of church revenue to general education, is directly at variance with the fact. The object of that act was to confirm the progress of religious instruction, by subjecting parochial schools to the superintendence of a resident clergyman. The act expressly recites, that a knowledge of divine truths was essential to education ; it was passed, after the declaration of the king's supremacy—after the annihilation, by law at least, of the power of the Pope in Ireland. It required an oath to be administered to every clergyman to

teach, or to cause to be taught, a school in each parish ; thereby recognising and ratifying, in the strongest manner, the principle of an establishment, by stationing a minister in each parish, and placing the education of the parishioners under his charge. I assert, that the intention of the statute of Henry 8th was not pecuniary contribution, but superintendence ; and that is the point on which I am at issue with the right hon. Gentleman. He maintains that the object of the act was contribution, and therefore he justifies the application of ecclesiastical funds to the purposes of education. Now true it is, that by subsequent practice, a yearly payment has been made by the clergymen of many parishes in which no school is kept. There is a pecuniary charge in lieu of the spiritual duty. But is there the slightest analogy between establishing, and now, if you please, enforcing that charge—between making each minister either keep a school within his benefice or contribute towards its maintenance, and transferring from the Church a large portion of its revenues, to be applied to a fund placed under other control than that of the Church, and applicable to some system of general education ? My assertion, I repeat, is, that the object of the act of Henry 8th was superintendence, while the right hon. Gentleman maintains that it was contribution. Now, the right hon. Gentleman had a great many small slips of paper, which he read with great effect in the course of his speech. He alluded to the report of a commission which we had appointed many years since, to which he attached the greatest importance, and which consisted of Mr. Frankland Lewis, Mr. Leslie Foster, Mr. Blake a Roman Catholic gentleman, Mr. Glassford, and Mr. W. Grant, an English barrister ; but, amidst all the extracts which he adduced for the purpose of proving that the principle of contribution was established by the statute of Henry 8th, there was

one, apparently a very material one, which somehow or other seems to have unluckily escaped his notice. Speaking of that very statute, and its bearing on this very subject, these commissioners, so deserving of all confidence, declare, "It is obvious to us that the intention of the statute of Henry 8th was not pecuniary contribution, but superintendence; and that it did impose the latter duty. This act, after reciting, among other things, 'the importance of a good instruction in the most blessed laws of Almighty God,' and further reciting his Majesty's disposition and zeal that 'a certain direction and order be had, that all we, his subjects, should the better know God, and do that thing that might in time be, and redound to, our wealth, quiet, and commodity,' proceeds after a variety of enactments tending to the suppression of the Irish and the introduction of the English language and customs, to require an oath to be administered to every clergyman at ordination, and another at institution, that, amongst other things, 'he should keep, or cause to be kept, within the place, territory, or parish where he shall have pre-eminence, rule, benefice, or promotion, a school for to learn English, if any children of his parish come to him to learn the same, taking for the keeping of the same school such convenient stipend or salary as in the said land is accustomedly used to be given.'" What, then, becomes of the argument that the act of Henry 8th, and the whole tenour of subsequent statutes, authorized the application of the ecclesiastical revenues in Ireland to general instruction, unconnected with that Church? The argument is wholly without foundation; and the whole history and tenour of the statutes show that, so far from being at variance with the principle of an Establishment, or authorizing the application of the ecclesiastical revenues to the purposes of mere general instruction, unconnected with the Established

Church, their object was to connect education with the Church, and fortify the principle of an Establishment. I myself brought in an act for the regulation of diocesan schools, which expressly provided for the support of a school in each diocese, to which school the clergy were bound to contribute. If I had sought for a pretext for supporting the noble Lord's resolution, on account of that act, so introduced by me, if I had contended that I was at liberty to carry into execution the principle of the resolution, because I had enforced by laws contributions towards a diocesan school from the clergy of each diocese, with what a burst of laughter would such reasoning have been received !

As to the application of the supposed surplus revenues, I entreat you, from the interest you take in education, not to decide that question at present. If you had the surplus you suppose, nothing could be so unwise as to pledge yourselves to-night on this point. It excludes all after-consideration whether education shall be gratuitous or stipendiary. I bring you very great authorities against the principle of gratuitous education. This very commission, to which I have already alluded, whose opinions the right hon. Gentleman so highly values, and whose authority he ought to appreciate, this very commission states,—“ We had in the course of our inspection, been much struck with the state of many schools in which the pupils paid for the instruction they received, and in which there appeared to be perfect harmony amongst children of all persuasions. These schools were carried on as objects of private speculation, and not supported either by public funds, or by the aid of societies. Each child was taught the religion which its parents wished it to learn.” You are assuming that no education at all exists in Ireland, while there never was a country in which there existed

more superabundant means of education. This commission again states,—“As to the funds for the maintenance of the new parochial schools, we recommend that they shall be derived partly from the state, partly from parochial assessments, and partly from payment by the pupils. Looking to the results of our own personal examination into schools of all descriptions, to the practical effects of the system so long and so beneficially in operation in Scotland, we are satisfied that the schools should be founded on the principle of pay-schools, and that the payment should go to the master and the usher. At what sum the rate of payment should be fixed must depend upon local circumstances. By appointing, in certain situations, a higher rate of contribution, a most eligible class of schools may readily be provided with instruction, suitable to a better description of persons. Although, in all cases, payment by each scholar should be the rule, we recommend that there should be lodged in certain individuals a power of dispensing with the payment, and of admitting, as an exception, certain free scholars. Payment, however, should be the rule, and gratuitous instruction the exception.” Observe, these recommendations in favour of pay-schools are given, not to save public money, but because the principle of pay-schools is preferred to that of gratuitous education.

Now, is it not prudent to inquire, before you affirm the principle that a portion of church revenue should be applied, should be limited also to a given object—What is the amount which that object will require? I complain that you can form no sort of estimate on that subject. You are in utter ignorance respecting it. You don't know the amount of the surplus; you don't know the extent of the demands on it. I charge you with the absurdity of coming to a resolution, without the shadow of a ground on which to form any thing like a rational opinion. The noble Lord says, there is a revenue of 791,000*l.*;

I say you have not above 450,000*l.*, and if you apply the surplus on which the noble Lord calculates, to the object to which he expressly confines it, you run great risk of defeating that object. Do I ask that you should abandon any principle? No; but that you should take time carefully to mature your opinion, and thereby prevent unreasonable expectations from being entertained, and pledges from being prematurely and unwisely given. If you will sanction that principle, to which I will not consent—the application of church revenues to other than ecclesiastical purposes—let it be sanctioned with due deliberation. Do not defeat your own public object, for the mere purpose of pressing a motion which you think may be inconvenient to Government. The noble Lord (Lord John Russell) proposes, if this proposition is acceded to, to move a certain resolution in the committee. The noble Lord is not very clear as to the principle by which he is himself guided. On Friday he announced the resolution to this effect:—"That the House should resolve itself into a committee for the purpose of considering the expediency of applying any surplus revenue of the Church of Ireland, not required for the erection and repair of churches, or for the maintenance of the clerical members of the Church, to the religious and moral instruction of all classes of Christians." Now, I hold, that this involves the principle of providing for the endowment of the Roman Catholic clergy. ["Hear, hear," and "No, no, no."] Then why have you altered it? Between Friday and Monday, it was altered to this form:—"That this House resolve itself into a committee of the whole House, in order to consider the present state of the Church Establishment in Ireland, with the view of applying any surplus of the revenues, not required for the spiritual care of its members, to the general education of all classes of the people, without distinction of religious persuasion." I cannot, of course, dive into the noble

Lord's mind, and ascertain the motives by which he is influenced: I speak only of his acts. Those acts, and the whole course of the debate, show that my construction is the proper one. All your speeches and arguments contribute to that construction. You may attempt as you please to fling over the gulf which separates the noble Lord and some of those by whom he is supported; but you are only deceiving yourselves. The people of Ireland will read your speeches and arguments, in which the Protestant Establishment is described as a nuisance and a badge of conquest, and they will laugh at your resolution, and your frivolous attempts to limit your new principle of appropriation, by reference to the acts of Henry VIII., and declarations that education, unconnected with the Church, is an ecclesiastical purpose. Talk of this as the settlement of the question! What have been the arguments by which the resolution was supported? Let us shortly review them:—the noble Lord, the member for Devonshire, said, on introducing the resolution,—“I am one of those fully concurring in the defence set up last year by one of our prelates, that an Establishment tends to promote religion, to maintain good order; and I further agree with him as to the fact that it is agreeable to the sentiments of the majority of people of this part of the empire.” Now, as a friend of the United Kingdom, I call upon you to consider whether, with respect to the Church of Ireland, you can set up the same defence? Does it tend to promote religion, or to maintain good order? But that Church is still to be maintained in all its efficiency.—[“No, no!”]—What, is the efficiency of the Church to be impaired? I thought you affected the most pious care for its efficiency, and that you were anxious to curtail its superfluous wealth, in order to promote the efficiency of the Church. The seconder of the noble Lord's resolution (the hon. member for St. Alban's) asks this question:—“How, then, can a

Church which is not submitted to, or joined, through the force of reason and argument, be considered by the people as anything but a badge of conquest, forced on them by a superior power, which it is but natural they should determine to throw off at the first favourable opportunity?" and he adds,—“ Take the Protestant states, take Catholic ones, take America, or France, or Scotland, or even the north of Ireland itself, and it will be found, in every instance, that the remuneration which the clergy receive is always proportioned to the religious services which they perform for the people. In Ireland, alone, this relation is departed from; and never, until we establish that relation upon its proper footing, until we revert, in fact, to the principles of common sense, can we succeed in governing that country with credit or satisfaction.” Yes; but if you appeal to this as a principle of common sense; if common sense requires that the remuneration of the clergy should be in proportion to religious service, without reference to the doctrines inculcated, or the faith held; and if you then move a resolution in which a different practice is adhered to—in which you state that the Church of the minority shall be maintained—in which you recognise it as a favoured Establishment, how can you insult our common sense by saying that you regard this as a permanent settlement?

The noble Lord opposite, of whose abilities I have a high opinion, and whose eminence in debate I long since prophesied, has made some observations to which I will next advert. The Lord Howick said—but I am really so unfeignedly anxious to avoid exciting any animosities connected with religion in the course of my address, that I shall not read the extract now in my hand. It is not, indeed, material to my present argument: I will pass on to another defender of the resolution, Mr. Charles Wood. He

asks,—“ Where could they find any country, under any system of Church Establishments, be they Catholic or Protestant, where a rich church with a small congregation was maintained at the expense of an overwhelming majority belonging to a different persuasion? But their feelings were no less outraged than their property was taxed, in the maintenance of one Church established by law, and in the support of another to the ministry of which they contributed through inclination. What, he would ask, would be their feelings if two such establishments were supported at the expense of the people of England? Would they not be filled with a just indignation at such an unwarrantable infliction upon their consciences and resources? and could they expect that when they, with all their superior notions of what was just and lawful, were unwilling to submit to the hardship, that the ignorant peasantry of Ireland should not give way to violence and outrage when such a system was attempted to be forced upon them?” The member for Shaftesbury (Mr. Poulter) says,—“ No length of time, no lapse of ages, should prevent his hearty concurrence in an effort to redress a great national iniquity. No appeal to the rights of property, beyond existing laws, can ever be maintained where such rights were never united with the real and religious interests of a nation. In such a case no prescription can be urged against the cries of a people, and the voice of a people becomes the voice of God. It may be admitted that any change in long-established things is an evil, and that nothing can justify it but the most powerful necessity. If the peace and prosperity of Ireland be essential to the welfare of the empire, such a necessity has now arisen.” Now, then, I ask you whether this resolution, supported by those arguments, can possibly lay the foundation of a final settlement? But it is most important that such a settlement should be made. You im-

pose this charge upon the landlord. Ay, but the amount is to be recovered from a Catholic peasantry! Do not suppose that you are blinding the eyes of the people. They are more clear-sighted than you imagine. They see, and feel, and know, that your arguments do not correspond with your resolution. A stronger, a truer, an honest declaration would be better. This resolution may have the advantage of enabling you to act together for this night; but you act on different principles, and with different views, to the furtherance of which you severally look, though you are agreeing in common to-night on a vague and general resolution. You are well aware that this can be no final settlement; that this first deduction from church revenues will only be accepted as an instalment of that whole amount which is held in contemplation. You have laid to my charge, in the course of debate, that I have lagged behind public opinion, and kept in the rear of improvement. But your course is still more absurd; you lag behind your own arguments, and keep far in the rear of your own conclusions. You shoot an arrow, and do not seek for it in the place where you know it is to be found.

A word on the charge of being in the rear of public opinion. It is the common accusation against those who value, and adhere to, ancient institutions. It presumes that it is the duty of a public man to be eternally unsettling the laws and usages under which his country is governed, to be speculating what change will next be required by public opinion; not to wait till the direction and intensity of that opinion be ascertained, but to anticipate it by voluntary and uncalled-for innovation. This may sound very plausible and very philosophical; but the result will be, the entire unsettlement not only of the institutions but of the mind of the country; the introduction of a vague, prurient love of change, for the sake of change, precluding all

rational and sober inquiry into the effects of such change. Surely, if an ancient principle must be abandoned, the new principle ought to be a secure one. If a new position must be taken, it ought to be capable of defence. But you take one, which not only is indefensible, but which you prove to be so,—against which your own batteries are directed with a resistless fire. I see the applauding smile of the hon. member for Middlesex; he is too shrewd to be deluded by this resolution; he is not to be deceived or misled by the soft tale of the hon. Gentlemen near him, who declare that, loving in their hearts the Protestant Establishment, they yet support this measure. He votes for this resolution, knowing perfectly well the conclusion to which it must lead. He will soon find out, with me, that education would only be encumbered and impeded by this contemplated grant. A good pretext will not be wanting. Then will the hon. member once more triumphantly bring forward his resolutions of 1824. Why should the hon. member not force his propositions on you? I have no doubt that he will. I am now looking into the womb of futurity, and am as certain of what it will produce as I am of any thing in the history of the past. I feel as certain as that I am now standing here, that the hon. member is too manly not to declare that he is not satisfied with this principle. He does not, in this measure, meditate a final settlement. You cannot meditate it either. I therefore will not consent to appropriate this property, which is ecclesiastical, and connected with the Protestant establishment, to other purposes than those of that establishment. I will not assent to your resolution, because I know how worthless and delusive it is; because I know that it is a measure which sends into Ireland, not peace, but a sword. It will excite in that unhappy country false hopes—hopes which you cannot realize, and yet hopes that you will shrink from

disappointing. It will unsettle those foundations of property which are built upon prescription, and which are more secure than those on which you are erecting your new system of spoliation. I give the noble Lord fair notice that I shall oppose his motion for going into committee, and that in committee, I shall oppose his resolution; and, lastly, I shall oppose with all my strength the communication of that resolution to his Majesty. I say I will oppose the communication of that resolution to the King, and I will oppose it on these grounds;—the course is novel and unprecedented; it is unnecessary for the purposes it professes. It wears all the appearance of an intention to pass by the House of Lords. If you think that course the most advisable, take it openly, take it honestly. Let us fight the battle manfully, on distinct and avowed grounds. But let us not first have a shallow, delusive resolution, and then as shallow and delusive an appearance of passing by the House of Lords. Every one who heard the noble Lord's declaration, those, especially, who cheered it, thought the threatened address to the King was meant as a slight upon the House of Lords—as an intimation that the assent of the Lords to the resolution was not worth asking for. But the noble Lord means no such thing in reality; he means, as a mere matter of preliminary form, to ask the King's consent, not to a legislative measure, but to the discussion and consideration of a subject in which certain rights of the Crown are concerned.

But why is it that the noble Lord and his friends have not brought in a bill? Are they uncertain of their plan? Are they ashamed of presenting, in the ordinary course, the result of their calm and solemn, and mature deliberation? Do they shrink from producing that detailed plan which they have so deeply and anxiously considered? Is this a course worthy of the noble Lord? The King will resign

certain rights by this Bill ; and it is necessary for him to signify formally, some time in the course of the proceeding, his assent, which at all times was wont to be done by the minister in a modest manner, without any parade, and without the excitement of the least interest. But now the noble Lord, without assigning any reason for a line of conduct so unprecedented and so inconvenient, insists on the immediate communication to his Majesty, and this, not for the purpose of avoiding the necessity of further measures of superseding a bill ; but simply, that a formal intimation of the King's pleasure respecting certain of his rights, affected by this motion, may be received with all possible publicity, and that some of the supporters of the noble Lord may cherish the delusion that this course implies a slight to the House of Lords. I do not think the House will join the noble Lord in this unbecoming enterprise. I, at least, for one, will never be a party to it. But, suppose the resolution agreed to, by whom is it to be communicated to his Majesty ? I hope there will be a nice and cautious selection. Instead of encumbering the throne by the attendance of the whole House, or of any large part of it, why should you not send a deputation ? It is the prevailing fashion. Why not send a deputation of three ? I will name it for you. I beg to suggest that the noble Lord, the hon. member for Middlesex, and the hon. and learned member for the city of Dublin, should be the three members to approach the throne with this resolution. Surely the noble Lord ought to thank me for the felicity, as they say, of this suggestion. Here we have the representatives of the three kingdoms—an Englishman, an Irishman, and a Scotchman, [“ Hear, hear,” and laughter,] and, moreover, the representatives of the three parties which follow the noble leader in this House. It is not for me to anticipate the answer of the Crown on the address so presented. A formal an-

swer must necessarily be returned to any communication from this House to the Crown ; but, if it were possible for his Majesty to speak the plain truth, I could suggest an answer which would be very appropriate, though, possibly, very unpalatable. His Majesty might say to the noble Lord—" You, last year, were one of my confidential advisers ; on your advice, I issued a commission of inquiry, which was to collect information in Ireland. You told me that inquiry was an essential preliminary to any actual proceeding—that matters were not ripe for legislation—that you could not appropriate a surplus, without having first ascertained its existence—that pledges as to contingent appropriation were most unwise. How can you, who were a party to this advice, now ask me, in the absence of all information, the inquiry being yet incomplete, to give that pledge which, last year, you deprecated as precipitate and unwise?" So much for the answer to the noble Lord. The member for Dublin (Mr. O'Connell) would then present himself, and to him it might be said by his Majesty—" I have not forgotten the speech which I delivered from the throne, on the advice of Lord John Russell, in the year 1834. On that solemn occasion I observed, that ' I had seen with feelings of deep regret and just indignation the continuance of attempts to excite the people of Ireland to demand a repeal of the legislative Union. This bond of our national strength and safety I have already declared my fixed and unalterable resolution, under the blessing of Divine Providence, to maintain inviolate by all the means in my power. In support of this determination, I cannot doubt the zealous and effectual co-operation of my Parliament and my people.' " His Majesty might then remark to the learned Gentleman, that this passage, which so strenuously declares the determination to support the Union between the countries, guarantees the security of the

Church; and, the Protestant Church being guaranteed by the Act of Union, his Majesty would not be maintaining the Union inviolate, if he consented to violate that Protestant Established Church, which is an essential and fundamental part of it. I believe the prospect of such answers—not formal, perhaps, and according to precedent, but warranted by facts, and consistent with truth—would disincline the noble Lord to form part of the deputation which should be charged with the duty of presenting the resolution to the King.

This House has yet the power, consistently with the full adherence to its principles, to refuse to enter into this resolution. I tell you beforehand, I will not be the party to give it effect. I will not be a party to any appropriation of the revenue of the Church to other than ecclesiastical purposes. You differ from me—I address myself to the hon. Gentlemen on the other side;—but I say that, consistently with the exercise of that different opinion, you may refuse to enter into this discussion at this time, and under these peculiar circumstances. The noble Lord has given us the opportunity of uniting in our vote, though we may differ as to the principle. If you agree with me in a desire to defer this important question, you sacrifice nothing—you only decline asserting a general principle, without having laid before you the particular plan by which it is proposed to calculate it. For myself, I vote against the committee on principle; but if you, differing from me on principle, vote against this motion, you may do it with a distinct reserve, that, at the proper time, you will enforce your own principle and reject mine. You have confidence in that principle. If it be worthy of that confidence, it must be capable of execution. It can only be executed by detailed enactments, embodied into a bill. I will give every facility for this; I will, without opposition, let you

bring in a bill, let it be read a first time, and postpone the discussion until after Easter. I am showing a mode by which, without any unworthy concession, you may get rid of the difficulty under which I am convinced the majority of you must be labouring. I am suggesting that which is the natural and the ordinary course. It saves you from the risk of great eventual embarrassment. It enables you to dispense with the immediate decision on questions the most important, which you have very imperfectly considered. You will thus have an opportunity of deliberating and deciding whether your system of education in Ireland shall be gratuitous or stipendiary, or in what degree the two principles shall be combined. You will also have the opportunity of acquiring accurate information respecting the revenues of the Irish Church; which, allow me to observe, respectfully but firmly, it is your duty to obtain before you attempt to legislate on the subject. There is a difference to the amount of 340,000*l.* annually between the noble Lord and myself. He positively asserts that the amount of church revenue is 791,000*l.*, and I as positively declare that I believe it to be under 450,000*l.* I say, then, that it would be but justice to the Church to ascertain, beyond all possibility of dispute, which of us is correct in his calculation, or what is the extent of our respective errors. By postponing your resolutions until the committee on the bill, you will have the advantage of the report of the commissioners, to which great importance is attributed by the hon. members opposite. I ask you, then, to concur with me in relieving the noble Lord himself from the great practical difficulty in which he is placed. No man will more rejoice than the noble Lord, if you will but be good enough to obey my voice and come to the rescue. He has been brought into his present unfortunate situation by the advice of indiscreet friends.

He did not give notice of this motion. The hon. member for St. Alban's stood originally the sponsor to it. The noble Lord was obliged to take it out of his hands, and yet was conscious of his own want of information. He asked, first, for the whole report of his own commission; then for a partial report; but could obtain neither, for neither was forthcoming. He courted delay; but time pressed: he was obliged to go on. He saw the expediency and the good policy of waiting for information; but he was compelled to yield to the pressure, not "from without," but from behind. I am convinced that you will be conferring a favour upon the noble Lord by entreating him to withdraw his motion—I have no objection that he should withdraw it—to withdraw it until he can produce some practical plan for our consideration, some plan in which you can concur. Let us, then, unite in endeavouring to rescue the noble Lord from the situation in which he is placed, and refrain from interrupting that approaching happiness which his opponents wish him as cordially as his friends. The hon. member for Weymouth, in the course of his speech, told you that where there were differences of opinion there should be inquiry. Are you, then, prepared, in defiance of this authority, to proceed without inquiry? Will you not wait until you receive that information which you are led to believe will enable you to act consistently with your present views, and to act without the shadow of an imputation on your conduct? Let us not, then, enter into any hasty decision, which may preclude us from the possibility of a satisfactory final settlement.

You may insist on your present resolution—you may succeed in forcing it upon us: I shall not have to wish you joy of your triumph. It may, probably, enable you to embarrass the future progress of the administra-

tion; it may be the token of approaching victory: but still, do not be too confident. Let me, in the moment of your pride, in the buoyancy of your exultations, usurp the functions of that unpalatable but not unfriendly office which, in former times, was assigned to a slave, but which may be assumed by a freeman without derogation from his character. You boast that you exercise complete control over the executive Government of the country: but let me whisper in your ear, that, though triumphant here, the power that you exercise does not act without these walls with that intensity with which it operates within. The duty I have voluntarily assumed compels me to place before a triumphant conqueror the vanity of human wishes, and the instability of mortal triumphs, but yet I must not shrink from it; and I tell you, that, notwithstanding your vaunted majorities, you do not control public opinion. Yes, there is a public opinion, which exists independently of elective franchises, which votes cannot inspire, which majorities cannot control, but which is an essential instrument of executive Government. It will yield obedience to law; but, if there be not confidence in the decisions of this House, law itself will lose half its authority. That public opinion will impose on you the necessity of taking a direct and open course. The people of England will not sanction attempts to throw unfair obstacles in the way of the executive Government. They would sanction a direct vote of want of confidence, so far, at least, as to consider it a legitimate and constitutional act of hostility. Why have you not the manliness to propose it? Why do you implore me to undertake the settlement of this question on your principles? You are confident in your strength: let me ask you, are you competent to undertake the Government? If you are, undertake it. If you are not, why do you embarrass us? I will not enforce your resolution. I will give you notice of the course that I mean to pur-

sue. I shall oppose your motion for a committee. I shall oppose your resolution in committee, and, above all things, and most strenuously I shall oppose your communication of that resolution to his Majesty. I shall adhere to the principles of my own measure. Such is the necessity for the settlement of the tithe-question, that it will admit of no further delay. I shall press it forward; and if you signify an intention of continuous opposition,—if your determination to throw unusual impediments in the way of the Government be plainly indicated,—if I find I shall not be able to proceed with the immediate settlement of this question,—I shall then acknowledge that the time has arrived when it will not be possible for me, consistently with my sense of the duty and the honour of a public man, to remain in the situation which I at present hold.

The House divided on the motion, Ayes 322, Noes 289—Majority in favour of it, 33.

The resolution was agreed to; the report brought up, and it was agreed that it should be reconsidered on the following day.

ON THE REPORT OF THE COMMITTEE ON THE ESTABLISHED CHURCH OF IRELAND.

April 7, 1835.

On the 7th of April, Mr. Bernal brought up the Report of the Committee of the whole House on the Established Church of Ireland, which was read a first and second time. In the course of the debate that took place on the second reading, the Chancellor of the Exchequer rose and addressed the House :—

I do not know that I should have felt it necessary to say

a word upon this occasion if, during almost the whole of the debate which has taken place this evening, it had not been assumed that the House was again discussing precisely the same question that has formed the subject of six previous nights' debate. I, however, apprehend that the question which has formed the subject of discussion during those six nights was, at an early period of the present evening, disposed of. The House having last night affirmed the resolution in Committee, I, that evening, on the resolution being reported, considering that there was no probability that any variance of opinion would be expressed by the House from that which it had expressed in Committee, permitted the report to pass without discussion and without a division. But the resolution which the House is now called upon to affirm is:—"That no measure upon the subject of tithes in Ireland can lead to a satisfactory and final adjustment which does not embody the foregoing resolution." I have great objection to the form of the present resolution, and to the precedent which it would establish—a precedent perfectly novel, and with respect to which the noble Lord himself must have entertained great doubts, since it is an entire departure from the course which he originally gave notice that it was his intention to pursue. The noble Lord, in the first instance, said, that if the House of Commons affirmed his resolution, he would notify that fact to the Crown by address, in order to enable him to proceed with a bill. What does he now propose to do? He has passed his resolution; he proposes to make no communication to the Crown, he proposes to make no communication to the House of Lords, but he proposes that the House of Commons shall inform itself that it has passed the Resolution, and that it will hereafter be irrevocably bound by it. The noble Lord now calls upon the House to declare, that no measure which shall not embody the principle of a

certain resolution can lead to a **satisfactory** settlement of the tithe question. I **object** to that proposition. I think it would be most **unwise** in the House to declare before-hand, that one **single** measure can alone lead to a final and **satisfactory** result.

Those who approved of the resolution originally moved by the noble Lord are perfectly at liberty to object to his present proposition. A majority of the House—a majority of twenty-five, has affirmed a certain resolution, against which a minority of 289 protested, independently of those who paired off, making altogether a minority of about 300 members. The noble Lord now calls upon the House again to affirm the principle of that resolution in a still more binding manner—to declare that all further discussion is unnecessary—that no proceedings in Committee on the Tithe Bill need be listened to—that there is but one measure which can effect a final and satisfactory settlement of the tithe question, and that is the measure to which a small majority of the House has agreed. I do not hesitate to denounce this proceeding as the tyrannical act of a majority; —the tyrannical act of a majority, by a proceeding of a perfectly novel nature—a proceeding for which no precedent can be found, precluding the necessity of further discussion, closing the opportunities of new arguments; resolving that they will not be convinced, binding themselves by an unnecessary pledge to maintain, under all circumstances, a certain opinion. This course of proceeding is unwise in itself, besides establishing a dangerous precedent. What is the resolution which the noble Lord calls upon the House to affirm? It is, that, if there should be a surplus of church revenue, it should be appropriated to one single specific purpose, to the exclusion of all other objects. The House has already recorded its opinion—it has had it in its power to wait for the report of the Committee on

Public Instruction, and it will be perfectly consistent even in those who think that the surplus ought to be appropriated in the manner proposed in the noble Lord's resolution, to wait until they can avail themselves of the information which will be contained in the report of the commissioners, and thus avoid making the precipitate pledge which is now demanded from them. The noble Lord himself has this night, with singular candour, told the House, that he cannot bring forward any detailed plan for the enforcement of his own principle, until he has seen and considered the report of the commissioners. Will the House of Commons, then, adopt a course of proceeding by which it will preclude itself from profiting by the information which must be contained in the report of the commissioners? Will it adopt the novel course of pledging itself irrevocably to a principle—of prophesying that one thing, and one thing only, can lead to a final and satisfactory settlement?—The adoption of the resolution now before the House will cut off all chance of that which is sometimes absolutely necessary for the wisest and most infallible in the conduct of human affairs—namely, all possibility of compromise. Occasions sometimes occur in which it is necessary for one branch of the legislature to modify its opinions for the purpose of effecting an amicable agreement with another branch on some great public question; but now it is proposed, that one of the three branches of the legislature shall, without waiting for the result of inquiries, which are acknowledged to be essential to the formation of any plan, declare, that it will adhere to a principle which it has laid down, and listen to no compromise whatever. If that course be adopted, the public men who are parties to it will be bound up from acting on the possible necessities of the future—the House of Commons will be cut off from the exercise of a free judgment—

from the means of wise and honourable compromise, and will establish a precedent for insisting on the execution of its own designs, even before those designs have been moulded into the shape of a legislative enactment. What is the object of all this precipitation? If there is a majority sufficient to carry the resolution, it must be sufficient to enforce the principle of that resolution hereafter. Why, then, not wait for the Committee on the Tithe Bill? Is not the conduct of the opposition, in fact, a practical declaration to the people of England to this effect:—"We have confidence in our resolution, but we have no confidence in ourselves?" It seems necessary for the parties to this proceeding to swear eternal friendship upon their resolution. For two months, they have been attempting to discover a common bond, by which they could unite themselves in opposition to the King's Government; at length they discover one, and so anxious are they, in all times of future difficulty and embarrassment, to adhere to it with desperate fidelity, that they are afraid to trust their own discretion—they are afraid to trust in the permanence of their new alliance—they are afraid to trust their own perseverance in their own opinion; but they propose, by a novel course, to bind themselves to each other, not to dissolve their only tie. I object to the precedent it is proposed to establish, which is one which any majority hereafter may follow. Henceforth it will be merely necessary to gain a majority upon some preliminary point, and then to declare, that no compromise will be admitted. By agreeing to the present resolution, the House will not only adopt the noble Lord's principle, but will proclaim to the people of England and Ireland, that the only satisfactory arrangement of the Tithe question, must be founded upon the basis of a principle, from which three hundred members of the Commons dissent.

The sentiments which I have heard in the course of the

discussion have not tended, in any degree, to diminish the apprehensions which the former debate excited in my mind. In whatever respect new ground has been taken this night, it is still more dangerous than the ground occupied before. The noble Lord was asked, how he meant to ascertain the surplus? He was asked to give some explanation of his principle, and, in the course of that very short speech, in which he professed his inability to produce any plan until he had seen the report of the commissioners, he ventured on an explanation of his principle, and it was to this effect:—"If there be in the south of Ireland, in Kerry, or Limerick, for instance, livings superfluously endowed, in that case it would give no satisfaction to the payers of tithe in the parishes to which those livings belong, to transfer the surplus to supply deficient endowments in the north, in Down, or in Derry; but the surplus ought to be applied to the purposes of education in the parish from which such surplus is derived." If that principle were followed out, it would establish a separate, peculiar, local, parochial interest in the amount of tithes; it would constitute each parish into a separate territorial division, and proclaim to the people of Ireland, that henceforth each parish should have a separate and peculiar interest in the amount of tithe levied within it. [Hear, from the Opposition.] The hon. members who cheer affirm that proposition. Then, I ask, in answer to their cheers, on what pretence will you limit the appropriation of the surplus to purposes of education? After having established a separate, peculiar, and parochial interest in the surplus, will you declare, that to no one purpose shall it be applied excepting to that of education in each particular parish? Supposing a parish should answer, "We have education enough already—we have several endowments for the purposes of education—the Protestant landlords have established schools—our children are all

amply instructed—there are no demands on our parish for further education; at our own desire, and with a view to maintain our independence, we voluntarily make a small payment for each child, and we require no more funds for the purposes of instruction.” in such a case how would the noble Lord’s limitation of his principle satisfy public opinion in the parish of which I am speaking, as an example? Supposing the noble Lord were to assign the surplus to a neighbouring parish, less amply provided with the means of instruction, does he think that that application of it would create more satisfaction than if he transferred it to a distant one? Does he, who objects to the transfer to Down, or to Derry, believe that, after the establishment of his principle, the providing for the wants of an adjoining parish from the tithes of its neighbour will give satisfaction to the payer of those tithes? From what I know of local feuds in Ireland, I am sure that the application of surplus parochial funds to the necessities of a neighbouring parish is not likely to be received with greater favour than their transference to the north of Ireland.

Thus, after disturbing all existing notions with respect to property, the noble Lord will fail to give satisfaction to the people of Ireland, which is the only object which he professes to have in view. But does the noble Lord recollect that he himself was a party to a measure which made an important change with respect to large and overpaid livings in the south of Ireland—I allude to the Church Temporalities bill, which was passed only two years ago? The preamble of that bill is utterly at variance with the noble Lord’s resolution. That bill was the last legislative declaration on the subject of the Established Church; and it was a declaration made on the advice and at the instance of the noble Lord; it distinctly laid down the principle of a different distribution of church property; it distinctly laid

down the principle, that overpaid livings might be curtailed, that tithes might be detached from archbishoprics and bishoprics; it laid down the principle that sinecures in the Church should be abolished, and the proceeds appropriated to certain purposes; but then, there was this express limitation, that those purposes should be ecclesiastical, such as the building, rebuilding, and repairing of churches, the augmentation of small livings, and such other purposes as might conduce to the advancement of religion, and the efficiency, permanency, and stability, of the united Church of England and Ireland. Thus, the ecclesiastical funds were limited to purposes strictly ecclesiastical, and the object of the noble Lord's act was declared to be to give permanence and stability to the united Church of England and Ireland. What confidence can the people place in the intentions or resolutions of this House, when it sees them exhibiting such utter disregard to the enactments and to the main principles of bills, brought in—not last century—not forty years ago—not by a Tory Government—not by the devoted friends of the Church, but by the Government of which the noble Lord was a member? The noble Lord has forgotten not only the preamble but the enactments of that bill. These overpaid livings in the south of Ireland, which cause such scandal, and are so offensive in the eyes of the noble Lord! [Hear, hear! from the Opposition.]—I can assure the hon. Gentlemen who cheer that I am going to prove, that the noble Lord is a greater reformer than he has given himself credit for being; that the noble Lord has already made provision for the correction of those very abuses in the Church of which he is now so grievously complaining. Such, however, is the modesty of the noble Lord, so oblivious is he of his own good deeds, that he has actually forgotten the enactments of the bill, of which he was one of the most powerful supporters, which provided a most

effectual remedy for the very evils which now appear to shock him so much; for by one of the clauses of the bill it was expressly provided, that if any livings should be found in the south or in any other part of Ireland, with incomes exceeding 800*l.* a-year, it should be competent to commissioners to detach the tithes of certain townlands from them, and assign them to neighbouring livings, for the purpose of securing a resident minister. The limitation placed by the bill on the extent of the deductions from these livings was this, that no living should be cut down below 300*l.* per annum. If, therefore, the noble Lord would apply the principle of his own bill, through the agency of his own commissioners, he would destroy all the enormous livings in the south of Ireland, whose funds he now wishes to apply to purposes of education.

Let the House now look practically to the consequences which must follow from the adoption of the noble Lord's proposition. After the resolution has gone forth, a resolution adopted after much parade—after a call of the House—after a debate protracted to seven nights—the people in every parish in the south of Ireland will naturally scan it with a keenness proportionate to all this preliminary parade, and attempt to ascertain its real meaning! The noble Lord proposes that any surplus which may be obtained shall be applied exclusively to education, on the express ground that education is an ecclesiastical purpose: but how those hon. Gentlemen on the other side, who maintain that the surplus can, and ought to, be applied to secular purposes, can consent to bind themselves by the terms of the noble Lord's resolution, I cannot understand. However, that is a point for them to settle. I am glad of the limitation, because, if spoliation is to be committed, it is gratifying to know, that it is proposed to confine it within certain definite bounds; but how can such limitation meet the approval of those who

declare that noble Lord's resolution to be valuable only on account of the principle which it contains? The hon. member for Derbyshire, (Mr. Gisborne,) who has by his own confession been searching for precedents, has been able to quote only two authorities in justification of the principle of spoliation, one an ancient, the other a modern one. His authorities are Henry 8th, and Captain Macheath. The hon. member, after giving me credit for my historical knowledge as regards Henry 8th, was kind enough to assume that I am equally cognizant of the principles and practice of Captain Macheath. I know this, at least, of the character and exploits of the captain, that he was a wiser man than the hon. member; for he never appropriated a surplus till he had ascertained its existence. True; the captain applied his surplus to secular purposes: so far his example is a precedent, but he differed from those who appeal to his authority in this respect, that his surplus was never an imaginary one.

But, to return to the noble Lord: when the noble Lord's resolution shall arrive in Ireland, accompanied by the speeches of the noble Lord, and all the hon. members who have supported it, the people will find it distinctly explained, that their interest in tithes is a local and parochial interest—that tithes belong not to the Church, not to the State, but to each parish from which they are derived. They are further forewarned, that, in case the Protestant interest should hereafter revive in a parish in which the surplus has been appropriated according to the noble Lord's principle, the new interests which might have accrued in the mean time will be liable to be set aside, and the fund re-applied to its original purpose. Suppose a vacancy should take place in a living of 1000*l.* a-year, who is to determine what will be a fitting provision for the Protestant clergyman? This question will arise upon every vacancy. There would

be a public meeting; the number of souls then in existence would be counted; the Roman Catholic clergyman would be at work; the expectant Protestant clergyman would urge his claim; the whole parish would be aroused from its slumber; for there would be a manifest interest in diminishing, as far as possible, the stipend set apart for the Protestant minister. That stipend, be its amount what it might, would be regarded with an evil eye as a superfluous charge on the parish purse—as a diminution from the amount applicable to parochial purposes of public utility. See how many conflicting interests would be called into life by this new principle of appropriation; to how many new elements of social discord it would give birth. The Protestant landlord would have a direct interest in collecting around him as numerous a Protestant tenantry as possible, in order to establish a claim—an eventual claim, at least—to a part of the surplus. The more strong his sense of religion, the greater would be his interest in the establishment of this claim on behalf of the faith which he professes. You thus give him a new interest, an interest recommended to him by the highest and purest principles, to surround himself with a Protestant tenantry, that is to say, to dispossess Roman Catholic tenants of their land on the expiring of leases, and to supply their places by Protestants. On the other hand, the Catholic population would have a direct interest in intimidating and driving away Protestants; and thus religious jealousies would be added to the other causes which at present render the letting and the holding of land in Ireland sources of excitement and disturbance. Again, supposing the case to which I have already referred—namely, that a surplus should be found in a parish in which the means of education were already abundant, would not the Catholics say, “You have established the principle, that we have an interest in the surplus; we shall derive no

advantage from the application of that surplus to instruction, and, therefore, we insist that it shall be applied to some other local purpose, and not diverted to another parish." How could the noble Lord answer that argument? How could he, with his principles, divert the tithes—the parochial fund, which must not be transferred to Derry or to Down—how could he divert it to another parish? What endless discord there would be! The other parish might be tithe-free. "Are we," the tithe-paying parishioners would say, "are we to pay tithe for the benefit of those who are exempt? We had a resident clergyman under the old system. He did spend the produce of our tithe among those who paid it, but now the tithe is to be paid, as before, but it will be applied to the benefit of others."

There was a part of the speech of the hon. and learned member for Cashel which appeared to make some impression upon the House: and, having alluded to the hon. and learned member, I will add, that, strange as it may seem to some hon. members opposite, there is very little difference between us. The hon. and learned Gentleman did not advocate the doctrine of the hon. member for Derbyshire, that the legislature might be indifferent with respect to gospel truth. The hon. member for Derbyshire is evidently an enemy to all Establishments. Why, on his principles, will he allow the Establishment to exist in England? It is no answer to say, that it is supported by the majority of the people; because, according to the hon. member, there should be no endowment of any one form of worship. Endowments, according to him, obstruct the progress of truth; and each religion, whether pure or corrupt, should be allowed to make its own way. If this argument is good for any thing, it clearly applies, not to the Church in Ireland exclusively, but to the Establishment in this country. The

hon. member for Cashel, however, is an advocate for religious establishments. Said the hon. member, "I find a certain parish in Monaghan, which contains but four Protestant families—the amount now allotted to their spiritual guide I will reduce, but I will provide the four families with the means of religious instruction."

Why, the noble Lord, the member for Lancashire, (Lord Stanley,) has not gone one step farther than this. He said, if there were ten Protestants in a parish, he would secure to them the means of religious instruction, and the opportunities of divine worship according to the rites of the Established Church. Or, rather, what he said was this. If they have now such means, I will not consent to deprive them of what they possess. And what said the hon. Gentleman? Not only that he would not deprive them of them, but that there should be—not, indeed, an over-paid absentee rector, with an income of 700*l.* a year—but a resident Protestant pastor to administer the offices of religion to those who required them—not with the paltry stipend of 75*l.* a year, which the curate now receives for his services, but with an income of 250*l.* Here then would be 250*l.* a year allotted with a wise liberality, not only for the spiritual instruction of four Protestant families, but for the purpose of recognizing the great principle interwoven with the existence of a Church establishment, that for those members of it who lived or might live in that parish, there should be the means of publicly worshipping their God, according to the principles of their faith. Now I would ask the hon. Gentleman this question. If he were to divide the revenues of the Church equally among every parish, taking his own standard as the standard of clerical remuneration, is he quite sure that there would be a surplus of Church revenue? The sum of 250*l.* is assumed by the hon. Gentleman to be the minimum at which the proper performance of a clergy-

man's duties ought to be remunerated ; he would assign this as the stipend of a clergyman in that parish in which there were only four Protestant families; but if I take the case of a clergyman in a large parish, in a populous city, who is obliged to move in a certain station of life, and to maintain his family in decent and moderate independence, is it not clear that 250*l.* per annum would be a most inadequate provision? Give me 250*l.* as the minimum for the country parish ; give me what is manifestly not more than sufficient, where the Protestant congregation is numerous, where the parish is situate in an extensive town, and I meet the learned Gentleman with perfect confidence, on his own grounds, and I tell him that on his own principles and his own reasoning he has not one farthing of surplus. See, too, what his admission is, his just and liberal admission, that 250*l.* is not too large a provision for the clergyman who has charge of his parish with the smallest possible number of Protestants. See what it implies beyond the allotment of the stipend. It implies the necessity of a place of Protestant worship—it implies the necessity of a residence for the minister. The charge of these, if not built, the repairs of them if built, fall now upon the revenues of the Church. Where is the surplus, when all these essential requisites to Protestant worship shall have been provided for, limiting the provision to those parishes alone in which there is a Protestant population?

I agree fully with what has been said relative to the propriety of enforcing residence among the clergy. I would not limit that principle to the removal of the abuses caused by the absence of an incumbent, who, spending his money at some distant watering-place, neglects the performance of his clerical duties. I should be contented to destroy pluralities. I will not hesitate to declare that the ministers of

the Church, who are spending their incomes in places of mere amusement, and are neglecting the personal discharge of spiritual duties, are not fulfilling the condition on which the endowments of their benefices were given to them—and a law should pass to remove those unsightly defects, if they exist, in the constitution of the Church in Ireland; and with my full consent that law should apply not merely to future, but to every existing incumbent. There is no vested interest that can be pleaded against the performance of that high trust for which alone that interest is vested.

I do not wish to enter upon a consideration of the Acts of Richard the Second, which have no application to the question before the House—which relates to the impropriation of tithes. If the tithes do not belong to the rector, they certainly do to the Church—and should be applied to the purposes for which the Church was consecrated. If the learned Gentleman's argument is valid; if the parishioners, in their personal capacities, and not the Church, have a right to the tithes—how does he propose to deal with the lay-impropriator of tithes? Can the alleged right of the parishioners to tithes be defeated by their transfer to a layman?

An hon. Member on the Opposition side:—Length of time has sanctioned the abuse.

The Chancellor of the Exchequer: Length of time! there is no right which prescription has given laymen to their property, which it has not given in at least an equal degree to the Church.

I have another objection against this resolution. Its object is to obstruct by unfair means the passing of the Tithe Bill. It is a way of notifying to the Government, in a dan-

gerous and unprecedented manner, "We will not permit you to introduce your measure; we will not allow you to pass any preliminary stage in which after discussion any point could be agreed to; we will not consider the Bill in committee, unless you agree to this resolution as a preliminary condition." I cannot agree to this. I object to it on the ground, that the principle of the resolution is dangerous and unjust; I object to it on account of the manner in which it has been brought forward—I object to it because those by whom it was prepared admit a total want of information upon the subject on which they are legislating. Acting upon erroneous data—not having determined the amount of the property of the Church—not knowing how much they want for the purposes of education—they proclaim their object to be a final settlement, a satisfactory settlement, and yet they establish no principle by which their future course is to be guided; or if they do establish a principle, it is one of much more extensive and dangerous application than they profess it to be. After their debates of seven nights, there are many important points that have totally escaped observation. They have not taken into account how many livings there are in Ireland, the right of presentation to which belongs to laymen, and which are held as private property. If they were to deduct these advowsons, they would find that a large sum must be subtracted from their estimate of the church property, for I apprehend that they would distinguish between the rights of the private and the public patron. In the Church Temporalities' Bill this distinction was made, and I suppose it will be made again, for the noble Lord will probably respect the rights of private property belonging to individuals. There are three hundred livings in the hands of individual patrons. I do not pretend to know the exact amount of their value,

but if it corresponds in a proportionate degree with the ordinary value of Crown livings in Ireland, and if they are to be treated as private property, about one-fourth of the whole revenues of the Church is at once placed beyond the control of the noble Lord. Here is one case, in which a great deduction must be made from this alleged surplus. But how can we determine, how can we approximate to truth in the estimate of the surplus, without having decided on the principles of the new Tithe Bill, on the amount of the abatement which is to be made from the present legal demands of the Church? This is a most important point.

The right hon. Gentleman who lately held the office of Secretary for Ireland has declared that the landlords were not treated too favourably in the Bill sent up last year to the House of Lords, and has stated his determination, when the Tithe Bill comes before the House, to insist on terms as favourable to the landlords of Ireland as those contained in the last year's bill. Now, if the right hon. Gentleman acts on this principle, and is successful in enforcing it, he will make a very material reduction in the future revenues of the Church. If, as in the last year's Bill, two-fifths of the tithes are to be given to the landlords, the tithes being valued at 545,000*l.* and, one-fifth of 545,000*l.* being 109,000*l.*, the sum of 218,000*l.* must be deducted from the value of the tithes. There will then be left 327,000*l.* as the future annual value of tithes in Ireland. And here I will beg the noble Lord to observe, that we are rapidly reducing his estimate of 800,000*l.* If the noble Lord agrees with the right hon. Gentleman, so recently his colleague in office,—the colleague intrusted with Irish affairs, the author of the Tithe Bill of last year,—it is clear that the tithe property of the Church is reduced by one blow to the annual sum of 327,000*l.* But are the compositions for tithe to be re-opened, as they were by the Bill of last year?

If they are, here is a fresh deduction even from the sum of 327,000*l*.

Consider these three separate causes of reduction of the assumed surplus—reductions of which you yourselves are the advocates. First, there is the private patronage of livings which is not within your control. Secondly, two-fifths taken from the present amount of tithes. Thirdly, compositions of tithe re-opened; and then inquire calmly whether the remainder be more than sufficient for the decent maintenance of the Church. Now, is it just towards the Church, is it likely to conciliate the good feeling and goodwill of those for whom you legislate, to proceed to pass this resolution with such false assumptions of the real amount of the revenues of the Irish Church? There is no excuse whatever for this course. Returns have been called for, and in three days they will be before the House. Hon. members opposite have eagerly sought for that information, but they now refuse to be governed by it, and pledge themselves to listen to nothing but the resolution. They may act upon that determination, but, happen what may, I will not adopt the principle of that resolution. I will not give effect to it. When I consider the hopes we have raised, and the expectations we have excited, which I know must be disappointed, I may well say that the boldest man would be justified in shrinking from the responsibility of that resolution. Even if the resolution is passed, its principle will not apply, until vacancies in livings shall occur. The result of this debate, now continued for seven days, will only affirm a principle whose practical effects must necessarily be suspended, until existing interests have ceased.

And what is the condition of those clergymen in the south of Ireland, who, the House think, are loaded with superfluous wealth? They have been deprived of their tithe for the last four years. If I had interfered with the noble

Lord's resolution for the purpose of amending it, (which I have no intention of doing,) the first claim I should assert, would be to provide compensation for those who have suffered under, but patiently acquiesced in, the wrong, which has been inflicted on them. Surely the justest claim on a surplus, if there were a surplus, would be that of those who have been robbed of their property. If you find clergymen, with wives and families, resident among their parishioners, deprived of their rights because they have been temperate in the enforcement of them—because they have shrunk from extreme measures—because they have submitted to severe personal privations rather than come into collision with their flocks, are their demands for retribution to be disregarded?

I hold in my hand one of many letters which I have received on this subject, and I am resolved to bring an individual case before the House as an example, in order that you may see the extent of pecuniary loss to which the clergy have been already subjected. It is written with great simplicity, and on that account is the more affecting. "I entreat you," says the writer, "if practicable, to create a fund to provide for the widows and orphans of clergymen, which the contemplated reduction of their incomes would render peculiarly well-timed, as many must now be disabled from partially attaining that object by effecting insurances on their lives; and, lastly, to relieve them from future instalments, together with arrears now due to the Board of First Fruits for loans advanced them to build their glebe-houses. I sincerely wish mine was an isolated case, but if many are similarly circumstanced with myself, they have great difficulties to encounter. I effected the composition in my parish (in 1832) at a sacrifice of 150*l.* per annum of the income I was for years in the receipt of—namely, 580*l.*; thus voluntarily reduced by me to 430*l.* By the proposed

bill, this will be further reduced to 322*l.* 10*s.*; out of which I shall pay 50*l.* insurance, 43*l.* rent, 29*l.* first fruits; leaving a balance of 200*l.* 10*s.* to support my beloved wife, ten children, and myself, after being above forty years an unworthy labourer in the christian vineyard. A murmur, however, shall not escape my lips, for I feel convinced the welfare of the Established Church is the object you and the Government are most anxious to promote. Were the second measure, the provision for widows and orphans, adopted, (as I have humbly suggested,) I should regard as trivial every pecuniary difficulty I might be destined to encounter, for it would console me under them all, and pluck from the pillow of death the only thorn this world could plant there. As a small atonement for thus presuming to trespass on you, permit me to offer the accompanying poem, for which my eldest son obtained a Vice-Chancellor's prize. He was equally successful with two other poems, but the enclosed is the only one published." [The pathos with which the right hon. Baronet read this extract, produced a great effect upon the House.] Here is a clergyman supporting his wife and ten children on an income reduced by acts of the legislature from 580*l.* to 322*l.* a-year, (the latter sum probably recovered with extreme difficulty,) not murmuring at his loss, thanking those who inflicted it for their wish to promote the interests of the Church, and ready to make any personal sacrifice which will conduce to those interests. Surely it is affecting to contemplate such a man cheerfully devoting, from the pittance which was left to him, some portion for the education of a son who was cheering the poverty and suffering of his home by the glad tidings of academical distinctions. This is no singular instance—it is one of a hundred similar cases—and shall we, without inquiry, pledge ourselves irrevocably to transfer from the Church to which these ministers belong

a portion of her property, and if we do transfer it, can we with any semblance of justice appropriate it to any object, before we have provided compensation for those who have been defrauded and robbed of their rights?

I will no longer interpose between that decision of this House which, if adopted, is to exclude all compromise, all hope of re-consideration; to pledge this House, in spite of further argument, in spite of additional information, in spite of its own conviction, to adhere obstinately to one unalterable resolution. Against the principle of that resolution there stands recorded the deliberate protest of men, whose opinions are entitled to the highest deference, from their high character and acquirements, from their experience in the affairs of Ireland, above all, from their political relations, and the active part they have taken in the adjustment of Irish questions of the deepest interest and importance. I quote not the opinions of men prejudiced in favour of Protestant ascendancy, bound by the ties, or stimulated by the excitement of party, to uphold the predominance of the Church; I quote the authority of those who were the most powerful, the most uncompromising, the most effectual, advocates for the removal of Roman Catholic disabilities, and the establishment of perfect civil equality among all classes of the King's subjects. I quote the authority of Burke, of Plunkett, of Newport, and of Grattan. Of Burke, who, speaking of the Established Church in Ireland, considers it "a great link towards holding fast the connexion of religion with the State, and for keeping these two islands in a close connexion of opinion and affection;" who wished it well—"as the religion of the greater number of the primary land-proprietors of the kingdom, with whom all establishments of Church and State, for strong political reasons, ought to be firmly connected." I quote the authority of Plunkett, who declared "the Protestant Esta-

blishment in Ireland to be necessary for the security of all sects, to be the great bond of union between the two countries, and who emphatically declared, that, to lay our hands on the property of the Church, or to rob it of its rights, would be to seal the doom, and terminate the connexion between the two countries." I quote the authority of Newport, who protested against the enactments of the Church Temporalities Bill; who dissented from the policy of reducing the number of bishoprics; who, while he advised a different distribution of church property, for the promotion of the interests of the Church, insisted on the strictest application of that property to ecclesiastical purposes. Lastly, I appeal to the solemn, the dying declarations of Grattan—of him who fought to the last hour of his existence with "desperate fidelity," in the cause of his Roman Catholic fellow-countrymen. In his last moments he had strength sufficient to dictate a paper, of which the following is a faithful extract.

"Resolved, that a committee be appointed with a view to repeal the civil and political disabilities which affect his Majesty's Roman Catholic subjects on account of their religion.

"Resolved, that such repeal be made with due regard to the inviolability of the Protestant religion and establishments.

"Resolved, that these resolutions do stand the sense of the Commons of the Imperial Parliament on the subject of Civil and Religious Liberty, and as such be laid before his Majesty. These resolutions contain my sentiments; this is my testamentary disposition, and I die with a love of liberty in my heart, and this declaration in favour of my country in my hand."

Supported by these authorities, I adhere with the greater confidence to that course which my own judgment and my

own conscience dictate. Backed by the prescient sagacity of Burke, by the powerful reasoning and prophetic warnings of Plunkett, by the local knowledge and long experience of Newport, by the dying injunctions and testamentary declarations of Grattan, I give an unhesitating vote against principles tending to shake the foundations of all property, and to subvert the Protestant Church in Ireland.

The House divided on the resolution, when there appeared, Ayes 285 ; Noes 258—majority 27.

The defeat of Ministers on this measure caused the immediate resignation of Sir Robert Peel, and the members of his Administration.

ON THE RESIGNATION OF MINISTERS.

April 8, 1835.

The Chancellor of the Exchequer rose and thus spoke :—

It is my intention to move that the Mutiny Bill be read a third time, and in making that motion I wish to avail myself of the opportunity which it affords me of notifying to the House that I, in conjunction with all my colleagues in his Majesty's Government, and in conformity with their unanimous opinion, have felt it incumbent upon us, on a combined consideration of the vote to which the House of Commons came last night, and of our position, as a Government, in this House, to signify to his Majesty, that we have felt it to be our duty to place the offices which we held at the disposal of the King. I do not hesitate to say, that we have taken this course with the utmost reluctance, and not without the deepest conviction of its necessity. We felt, that

being in possession of the entire confidence of the King, and having received from his Majesty the most cordial and unremitting support—looking to the present position of public affairs, to the present state of political parties—looking to the strength, not only the numerical but the moral strength, of that great party by which we have had the honour of being supported, we felt it to be our duty, under existing circumstances, to continue the attempt of administering public affairs, as the responsible advisers of the Crown, to the latest moment that was consistent with the interests of the public service, and with the honour and character of public men. When I do not hesitate to avow the reluctance, with which we have tendered our resignation, I believe I shall have credit with a great majority of the House of Commons, that that reluctance arose from public considerations alone, and was wholly unconnected with everything of a personal nature. I have a strong impression, that when a public man, at a crisis of great importance, undertakes the public trust of administering the affairs of this country, he incurs an obligation to persevere in the administration of those affairs as long as it is possible for him to do so consistently with his honour. No indifference to public life, no disgust with the labours which it imposes, no personal mortifications, no deference to private feelings, can sanction a public man in withdrawing, on light grounds, from the post in which the confidence of his Sovereign has placed him. But, at the same time, there is an evil in exhibiting to the country a want on the part of the Government of that support in the House of Commons which can enable it satisfactorily to conduct the public affairs—which can enable it to exercise a control over the proceedings of the House—a legitimate and necessary control conferred upon it by the possession of confidence. There is an evil in such an exhibition of weakness to which limits must be placed ; and I must

say, reviewing all that has occurred since the commencement of the present session—looking to the little progress the Government has been able to make in the public business of the country—looking at what occurred on each of the last four nights—to the fact that ministers have had the misfortune, on each of four successive nights, to be left in a minority—on Thursday last, on Friday last, on Monday last, and last night—considering that that minority was smaller in relation to the majority than the minorities in which they had been at the commencement of the session—adverting also to the fact that they have received the support of those who, not having a general and unlimited confidence in the Government, yet have given to the Government a cordial and honourable support on every occasion on which it was consistent with their public principles to give it—adverting to all these considerations, I must say, that, in my opinion, the time is come when it is incumbent on the ministers of the Crown to withdraw from the responsibility which office, under such circumstances, imposes upon them.

In addition to these considerations are the nature and consequences of the vote of last night. That vote, I conceive, implied a want of confidence in his Majesty's Government, because, in my opinion, it was not necessary for any public purpose to come to that vote. It was tantamount to a declaration, on the part of the House, that it had not that confidence in his Majesty's Government which entitled that Government to submit to the consideration of the House the measures of which they had given notice. The noble Lord has signified his intention, if the vote to which the House came last night did not lead to the result to which it has now led, to follow it up with an Address to the Crown, conveying to his Majesty the resolution respecting the Irish Church, which the House has affirmed. As I conceived that embarrassment to the public interests

would arise from the presentation of that Address, and as I had no right to assume that the House would take a view with respect to the policy of that Address different from the view which it had taken with respect to the resolution, it did appear to me and to my colleagues (whose views were in exact conformity with my own) that a public duty was imposed upon us, particularly since we felt that the time was fast approaching when resignation was inevitable—not to persevere in a fruitless struggle, which might involve his Majesty, public men, and the country, in additional and unnecessary embarrassment. The vote of last night was not only tantamount to a declaration of a want of confidence in the Government, but implying, as it did, the necessity of a total change of system in Ireland, so far as the church revenues are concerned, it would impose such difficulties in the practical administration of Government in Ireland by parties opposed to the principle of the vote, that we were fairly entitled to decline a responsibility which others were bound to incur. The vote of last night is not an abstract Resolution; the vote of last night is not one, the practical execution of which can lie dormant. There may occasionally be points on which the House of Commons may express a different opinion from that of the Government: there may be cases in which it would be possible for Government to continue the conduct of public affairs, even in opposition to the House of Commons, upon questions involving mere abstract principles, admitting of delay in their practical application; but the House of Commons cannot leave the Tithe question in its present state. At present laws are nominally in force, but actually disregarded. Nothing can be more dangerous than to leave the law in its present state,—to habituate the people to the daily violation of it,—to exhibit to them a state of things in which those who are charged with the enforcement of law

connive at its non-execution. It is not merely that the particular law will lose its authority; but the fatal example will extend to all laws, particularly to laws confirming and enforcing the rights of property.

Under these circumstances, it would have been the duty of the members of his Majesty's Government, if they had continued in the administration, to have pressed for an immediate decision with respect to the law as to the recovery of tithes in Ireland. The Tithe Bill, of which they had given notice, they could not have proceeded with, without previously proposing the Resolution for the remission of the claims upon the Irish clergy, on account of the repayment of the advances under the Million Act. I had no right to anticipate a different conclusion from that to which the House has already come—I could not anticipate that they would sanction the grant of a million without a distinct understanding that the Irish Tithe Bill was to be framed upon the principle of the vote of last night; and, under these circumstances, having no reason to apprehend that a delay of a few days would make any material difference in the position of the Government—considering that it was impossible to permit the vote of last night to lie dormant,—that the Government must proceed with the Tithe Bill, being firmly resolved to adhere to the principle of their own bill; being firmly resolved, not to adopt the principle of the vote of last night; under all these combined considerations, we have, as I have said before, felt it to be our duty, as public men, invested with a public trust, respectfully to request his Majesty to permit us to restore that trust into the hands of his Majesty. We, therefore now only hold our offices provisionally, and for the temporary execution of public business, until his Majesty shall have made other arrangements for the conduct of the government. Under these circumstances, I shall submit

to the House, that, perhaps, the best course I can propose is, that there should be a short adjournment. It will not be necessary that the adjournment should extend beyond Monday; and I should make the motion for an adjournment at once, had it not been that there is an election committee for which a ballot is appointed for to-morrow. Perhaps the House will feel that any discussion on public matters, in the present state of affairs, could not be proceeded with to any advantage. I have not the slightest hesitation to suppose, from the forbearance which the House has always shown on similar occasions, that the motion will not be unanimously agreed to; but lest any inconvenience should arise with respect to the election committee, the ballot for which stands for to-morrow, the House will perhaps meet to-morrow for the single purpose of that ballot, and when it is completed, adjourn till Monday. The motion also which I have now to make, and which I make merely in consideration of public interests—namely, the motion for the third reading of the Mutiny Bill, I am quite sure, will be cheerfully acquiesced in.

I have been anxious to give this explanation as briefly as possible, and in a manner the least calculated to give offence, or to excite angry feelings. For myself, the whole of my political life has been spent in the House of Commons—the remainder of it will be spent in the House of Commons; and, whatever may be the conflicts of parties, I, for one, shall always wish, whether in a majority or in a minority, to stand well with the House of Commons. Under no circumstances whatever, under the pressure of no difficulties, under the influence of no temptation, shall I ever advise [the] Crown to resign that great source of moral strength which consists in a strict adherence to the practice, to the principles, to the spirit, to the letter, of the constitution. I am confident that in this adherence will be

found the surest safeguard against any impending or eventual danger, and it is because I entertain that belief, that I, in conformity with the opinions of my colleagues, consider that a government ought not to persist in carrying on public affairs, after the sense of the House has been fully and deliberately expressed, in opposition to the decided opinion of a majority of the House of Commons. It is because I have that conviction deeply rooted in my mind, that though regretting, as I most deeply do regret, the necessity which has compelled me to abandon his Majesty's service at the present moment, yet, upon the balance of public considerations, I feel that the course which I have now taken is more likely to sustain the character of public men, and to promote the permanent interests of the country, than if I had longer persevered in what I believe would have proved a fruitless attempt, to conduct, as a minister, the King's service, in defiance of that opposition which has hitherto obstructed the satisfactory progress of public business.

The right hon. Baronet, at the conclusion of his speech, was most enthusiastically cheered from all parts of the House for a considerable time.

AT MERCHANT TAILORS' HALL.

May 11th, 1835.

On the resignation of office by Sir Robert Peel and his colleagues in the administration, a considerable number of the principal merchants, bankers, and traders of the City of London, subscribed an Address to him expressive of their approbation of the principles on which he had conducted the Government of the country. They re-

solved also to give a sumptuous entertainment in honour of him, for which the Merchant Tailors' Company allowed the use of their Hall. To this dinner Sir Robert was of course invited. His health having been drunk, he rose, and thus addressed the meeting:—

Gentlemen, with the deep feelings of pride and satisfaction by which I must necessarily be animated, there does mix, as you may well believe, one painful feeling that springs from the consciousness that any language of mine must be totally inadequate to express the intensity of my sensations in addressing you upon the present occasion. Gentlemen, I well know that these are the trite and ordinary excuses made by all speakers upon occasions like the present; but if you will only place yourselves in my situation, if you will only recollect that I was alone, as it were, in this company, that I remained seated while all the rest of you were standing, that I remained silent while all the rest of you were enthusiastically expressing your generous approbation, that I was conscious that all your kindly attention, and consideration, and deep feeling were concentrated upon myself,—if you will recollect that I am a public man, that I am a man of the people, that I derive, I will not say my chief, my only strength from public applause and public confidence, that I am moreover a man who looks for no reward for public services excepting only public approbation, who aspires to no dignity except in all honesty and purity to the good opinion of his fellow-subjects—the sound good opinion I mean, as distinguished from the paltry and fleeting popularity which may be gained at the moment, even by the weakest and most contemptible, in pandering or succumbing to faction, or even in more meekly and gently attempting at once to flatter and inflame the people's prejudices; I say, then, that if you will take all these considerations and circumstances into your attention, you may be well able to believe, that although the excuse I have offered you for my defi-

ciency in power adequately to respond to your great kindness may be trite, though it may be the ordinary phraseology of speakers in complimentary assemblages; yet upon this peculiar occasion it is perfectly consistent with truth, that I am unable to do justice to my feelings, in pouring forth to you my heartfelt thanks for the honour which you have conferred upon me.

But let me not be suspected of idle egotism. Let it not be thought that I have been so misled by the suggestions of personal vanity as to attribute to myself, or any deserts of mine, the origin of this meeting, or the feelings which you have this evening expressed. I agree with our worthy chairman in thinking that the address which I received from so large a body of the merchants, bankers, and traders, of this city, was a sufficient compliment and reward for any services and exertions of mine. It asserted the principle by which I was animated: it bore with it the true reward of public services—the approbation of my fellow-citizens. I wanted no other demonstration of public feeling; and if I had regarded this meeting as merely a demonstration of personal compliment, I should have almost discouraged it, as being, after the address, a superfluous token of public esteem. No, sir, the object of this meeting is a demonstration of public feeling in the metropolis. I do think that public interests may be promoted by it. I do think that the impulse which has been given from this centre of the commercial world—the vital impulse—must thrill to every extremity of the British empire. I repeat, sir, that the throes of this mighty heart must send the wholesome life-blood of sound doctrine and good principle to every remote member of the body corporate of the United Kingdom.

Gentlemen, I understand that by assembling here to-day you mean to mark your attachment to the ancient

institutions of the country, and your firm resolution to maintain those principles, which are interwoven with the safety of those institutions, and the security and prosperity of this empire. It was incumbent upon you to come forth in this manner, because you do not happen to have any public recognised organ through whom your sentiments could be expressed. When I look round this great meeting, abounding as it does in wealth—abounding in intelligence—abounding in respectability—and reflect that there is not one member out of the eighteen allotted for the metropolitan districts to represent your opinions, I am not surprised that you should have resolved to speak for yourselves. Whatever be the numbers here assembled, they might have been almost indefinitely swelled by fresh accessions. The hall has been taxed to the utmost extent of its accommodation, and if there were room for ten times a greater number of gentlemen within these walls we should have had them present. And yet you and your friends had not the good fortune to secure, out of the whole eighteen, a single representative by whom your opinions could be spoken—through whom your just and legitimate influence could be exercised in the public councils. In order, therefore, that there should be no misconstruction of your silence, you feel it necessary to speak through other organs than those which the new representative system has provided for you; and in concurrence with this feeling it is that I come forward to lend my humble countenance to this meeting.

And, Gentlemen, it is because this is a public occasion, and because we are met to promote a public object, that you will expect from me some further observations, and some allusions to the state of public affairs. Gentlemen, what I shall say will be spoken by me as one of yourselves, not as one anxious for triumph as a party man—still less as

a candidate for office : I shall speak to you as a British subject in a private capacity, feeling a tenfold greater interest in the cause of good government than in any emoluments or advantages he could possibly derive from office ; a man who has a tenfold greater desire, on public grounds, for the maintenance of the principles he professes and conscientiously believes to be essential to the welfare of the country, than for any benefits, if benefits they can be called, which he could derive from the acquisition of office. I believe, indeed, that there is no greater mistake than that people situate as I happen to be, are so very anxious for office. Some fancy that the wholesome rest of every politician is broken by his feverish longing for office. If I were to speak from my own experience, I should tell a different tale. There is, to me and to many others, nothing in office, so far as mere personal feelings or interests are concerned, to compensate for its labours, its annoyances, its deep anxieties, and its interruption of domestic repose and happiness. Away then, sir, with the ridiculous assertion, that men who are really qualified for the first trusts of the state, would consent to procure them by any dishonest sacrifice of opinion, by any compromise of character. We hear constantly professions of great alarm about court intrigue and court favouritism, and base coalitions of public men for the promotion of their private ends. The country quite mistakes the real danger in this respect ; the danger is, not that public men, fit for public trusts, and worthy of public confidence, will seek office by unworthy means, but that they will seek excuses for declining it—will refuse to bear the heavy sacrifices of time, and labour, and repose, which it requires. That office holds out great advantages to the ambitious minds of some, I will not deny ; but are there not out of office equal, if not greater means of distinction in public life ? For myself, in taking office, in

submitting to its drudgery, I was urged by nothing but a sense of public duty, and by the desire not to shrink from that obligation which every British subject incurs, when called upon to serve his king to the utmost of his ability and power. I hope that his Majesty has not a more devoted servant than I; but this I can say with truth, that, when I entered the King's service, I entered it with the consciousness that I neither sought nor desired any favour, any honour, any reward, which the King has it in his power to bestow. Office is, no doubt, a legitimate object of ambition. I think it anything but a reflection on a public man to seek it, when he can hold it consistently with his public principles, and when the holding of it will advance those principles; but, speaking for myself, I repeat that I do not covet it, and that nothing has reconciled me to it but the imperative sense of public duty. The chief consolation I have had in holding it, the chief reward I retain on relinquishing it, is the proud reflection that I have had the good fortune in being connected, in civil life, with that illustrious man whose fame exceeds that of any other conqueror—a man from whom I never have been one moment estranged by any difference on political subjects, and with whom my connexion never has been embittered by the slightest infusion of paltry jealousy. I am gratified by the thought, connected as I have been with him in the civil service of the Crown, that I shall have my name transmitted with his to after ages. This is the chief pride, the dearest gratification, of my heart.

But I feel that I have been straying from the subject immediately before us—the present state of public affairs. Allow me to speak to you, not as a party man, but as one of yourselves, and to submit to you plain opinions in plain language. I prefer this, and I am sure so will you, to that elaborate concatenation of phrases which is sometimes

called eloquence, in which you have the smallest possible quantity of common sense enveloped in the greatest multitude of equivocal words. I say to you, then, that there is danger to the institutions of this country, danger to the mixed and happily balanced form of Government, under which we have lived and prospered. But it is in your power, and in the power of those who think with you, and fill situations in the country corresponding to yours, to avert the danger. It is in your power, by unremitting activity and by the exercise of those functions which the constitution has left to you, to mitigate, if not altogether to remove, the evil. My fixed opinion is, that the danger can be met only by your gaining for your principles an effectual influence in the popular branch of the legislature. We shall only aggravate the evil, if we attempt to deceive ourselves as to the nature of the instruments we can employ. Let us not indulge in useless lamentations. Let us waste no time in regretting that which is beyond our remedy. This is quite idle. The first step towards safety is a knowledge of the real source of our strength, a just confidence in it, and a firm resolution to exert it. If we cease to take a desponding view of public affairs, all will be yet well. Though you may not be able to exercise that full share of influence to which you are legitimately entitled, yet hesitate not to strain every nerve to acquire all that can be acquired. Act like Englishmen, and if you will do so, I am confident, from the national spirit and indomitable resolution, that the country will be rescued from the dangers by which it is at present threatened. I warn you that you must not place a firm reliance either upon the prerogative of the Crown, or on the influence or authority of the House of Lords, or on the combined effect of both. The prerogative of the Crown, the authority of the Lords, are constitutionally potent in occasionally controlling the

acts or encroachments of the House of Commons, but you must not now-a-days depend upon them as bulwarks which are impassable, and which can be committed without apprehension to the storm and struggle of passion, ambition, and the love of change. The Government of the country, allow me to tell you, must be mainly conducted with the good-will and through the immediate agency of the House of Commons; I again say, the royal prerogative, the authority of the House of Lords, are most useful, nay, necessary, in our mixed and balanced constitution. But you must not strain those powers. You would not consider that to be worthy of the name of Government, which is nothing but a series of jealousies and hostile collisions between two branches of the legislature. You wish to see all branches of the legislature maintaining each its independent authority, but moving, through mutual confidence, in harmonious concert towards the great end of civil society and civil government—the public good. I ask you then, not to underrate, not to misunderstand, the power and authority of the House of Commons, not to trust to the controlling checks which may theoretically exist upon that power and authority; but to secure, through the legitimate exercise of constitutional privileges, that degree of influence for your principles in the House of Commons, which will be ten times more powerful for the establishment of what is good, and the resistance of what is evil, than any extrinsic control of the Crown or the House of Lords.

On taking office, I avowed my determination to abide by the Reform Bill. I trust I have redeemed that pledge. On this broad constitutional principle my friends and I acted. We acted in the spirit of the Reform Bill, not niggardly, not merely content with a cold assent and submission to its details, but with an honest and generous

deference to its spirit and to the authority which it established. When we found, after a patient and sufficient trial, that we had not the confidence of the House of Commons, although the array opposed to us was miscellaneous in the extreme, although the majority was small, we felt it our duty to resign. However strongly we might have opposed the establishment of the new elective system, we now adhered to our pledge. We did not entertain the vain notion of governing the country against a majority of the reformed House of Commons. We refused, indeed, to be obedient instruments in the hands of that majority. We thought it safer for the country to refuse to be so, and therefore, unable to enforce our own principles, we retired from office. Allow me then to recommend you also to follow this example, to refrain from flattering yourselves with vague and distant hopes of altering the present system—let us not seem, even in thought, to threaten those who have acquired new rights with the forfeiture of that acquisition. Let us stand by the constitution as it exists at present. Let us never hint at alteration, or by our conduct raise a secret doubt, even in the minds of the most suspicious. I venture to prophesy to you that the proposition for change will not come from you. If it comes, it will come from those who clamoured most loudly for the Reform Bill, who demanded the whole bill, and nothing but the bill. Ay, it will come from them, and the moment, perhaps, is not far distant—the moment they have ascertained that the bill is not likely to answer the purposes they had in view—the moment they see that it is not potent to exclude the influence of what we call Conservative principles. Let us then declare our readiness to accept in good faith, as a constitutional settlement, the provisions of the Reform Bill, and let us by that declaration fortify ourselves in the resistance to new agita-

tions of the public mind on questions of government, to new innovations on what was called but yesterday, by its friends, the second charter of our liberties. And while you determine to respect the Reform Bill, prove practically your respect for it by exercising every privilege which it leaves untouched, or which it for the first time confers. There must be no laziness—no apathy—and above all, no despondency. Let each man consider the franchise he possesses, not as a personal privilege, but as a public trust, which it is his duty to fulfil.

But I have said enough upon this subject; I do not despair that, if we continue to exert ourselves, if we here set an example to the empire, it will, in all its parts, be before long animated by the constitutional and truly English feelings which are here displayed. How, it will be asked, are you to regain your influence in the House of Commons? Not, let me tell you, as your enemies would impute to you, by bribery and corruption, and unworthy means, but by going forth with a frank exposition of your principles, and by showing that there is nothing selfish in your support of the institutions under which you live, and your defence of the rights which you inherited. Let us disclaim all interest in the maintenance of any abuse—let us declare that we are willing to redress any real grievance, and to concur in the application of the best remedy which can possibly be devised for that purpose. We hold that no public office ought to be maintained for the mere purpose of patronage; that public appointments can be vindicated only on the ground of their being necessary to the public service. We want no sinecures. We want no greater amount of salary for the reward of public officers than that which may be sufficient for securing integrity and competence in the discharge of important official duties. Above all, we deny that we are separated by any fancied line of in-

terest, or of pride, or of privilege, from the middling classes of the country. Why, who are we, or at least nine-tenths of those who are here assembled, that any one should tell us that we have an interest separate, or feelings discordant, from those of the middling classes of society? If we ourselves do not belong to the middling classes of society, I want to know how wide the interval may be that is presumed to separate us? Speaking in behalf of nine-tenths at least of those assembled within these walls, I say we disclaim any separation from the middling classes of society in this country. O no, we are bound to them by a thousand ramifications of direct personal connexion, and common interests, and common feelings. If circumstances may appear to have elevated some of us above the rest, to what, I venture to ask, is that elevation owing? It is owing to nothing else but to the exercise, either on our own part or on the part of our immediate forefathers, of those qualities of diligence, of the love of order, of industry, of integrity in commercial dealings, which have hitherto secured to every member of every middle class of society the opportunities of elevation and distinction in this great community; and it is because we stand in our present situation—it is because we owe our elevation in society to the exercise of those qualities, and because we feel that so long as this ancient form of government, and the institutions connected with it, and the principles and feelings which they engender, shall endure, the same elevation will be secured by the same means, that we are resolved, with the blessing of God, to keep clear for others those same avenues that were opened to ourselves, that we will not allow their course to be obstructed by men who want to secure the same advantages by dishonest means—to reach by some shorter cut, that goal, which can be surely attained, but can be attained, only through industry, patient perseverance, and strict integrity. Gen-

lemen; what was the charge against myself? It was this, that the King had sent to Rome for the son of a cotton-spinner, in order to make him prime minister of England. Did I feel that a reflection? Did it make me discontented with the state of the laws and institutions of the country? No; but does it not make me, and ought it not to make you, Gentlemen, anxious to preserve that happy order of things under which the same opportunities of distinction may be ensured to other sons of other cotton-spinners, provided they can establish a legitimate claim on the confidence of their King and country? We are charged with having some interest in the perpetuation of abuses. Why, can there be any one with a greater interest than we have, that the public burdens should be as much lightened as they can possibly be, consistently with the maintenance of the public engagements? We are represented as fattening on the public income. Looking to this company, and to those associated with it in feeling, is there any gain, I ask, connected with the increase of the public burdens that can countervail the interest we have in their reduction? We have a direct, a superior interest to any others in the correction of every abuse and the application of every just principle of just and wise economy.

At the same time, consistently with these feelings, consistently with the determination to correct real abuses, and to promote real economy, we do not disguise that it is our firm resolution to maintain to the utmost of our power, the limited monarchy of this country, to respect the rights of every branch of the legislature, to maintain inviolate the united Church of England and Ireland, to maintain it as a predominant establishment, meaning by predominance, not the denial of any civil right to other classes of the community, but maintaining the Church in the possession of its property and of all its just privileges. Such is our firm

resolution; we will submit to no compromise, and we will exercise every privilege which the constitution has intrusted to us for the legitimate maintenance and support of the constitution in Church and State. This is the appeal we make to the middle classes of the community—to those who are mainly the depositaries of the elective franchise. We tell them that it is not only our determination to resist any direct attack on our institutions, but that we are also resolved that we will not permit the ancient prescriptive Government of this country—the mitigated monarchy, consisting of three branches of the legislature—we are determined that we will not allow it to be changed, by plausible and specious propositions of reform, into a democratic republic. We will not allow, if we can prevent it—we will not allow that, through plausible and popular pretexts of improvement and reform, there shall gradually take place such an infusion of democracy into the institutions of this country as shall essentially change their theory and practical character, and shall by slow degrees rob us of the blessings we have so long enjoyed under our limited monarchy and popular but balanced constitution.

Now, Gentlemen, that is what I apprehend we mean by—this is the construction we put upon—the term “Conservative principles;” and such is the ground on which we make an appeal to the country at large for the maintenance of those principles. We tell all, in whatever class of life they may be, that they ought to feel as deep an interest in the maintenance of those principles as any of the politicians or men of property who are now within my hearing. The encouragement of industry, the demand for productive labour, depend on the maintenance of those principles. The preservation of order depends on them, the maintenance of that security, which has hitherto led men through honest industry to accumulate property in this country, depends

upon them. And now that the feelings excited by political contests and great changes in the electoral system have subsided, I cannot help entertaining a sincere hope and belief, disclaiming any intention of interfering improperly with the political franchise, that there is still that fund of good sense in this community that will enable us, if not to gain a predominating influence in the Commons' House of Parliament, still to acquire that degree of influence that shall control and prevent many bad projects.

My advice to you is, not to permit past differences on political subjects now to prevent a cordial union with those who take a similar view with yourselves on matters of immediately pressing importance. There are many questions on which you formerly differed from others, that are now settled. There are many public men from whose views you formerly dissented, who agree with you that the Reform Bill is not to be made a platform from which a new battery is to be directed against the remaining institutions of this country. If they agree with you in this, the essential practical point; if, wishing with you to correct real abuses, they are still determined to maintain the ancient principles on which the constitution of the country is founded, to protect the interests of order and property, it would be madness to revive old and extinguished differences, and to allow the remembrance of such shadows to obstruct an harmonious and cordial union for the defence and preservation of all that remains.

Gentlemen, I ought to apologize for detaining you so long, and I shall not further prevent my hon. friend, the chairman, from proceeding in the execution of his remaining duties. But, in conclusion, let me call on you to recollect the associations connected with the place where we are now assembled. From this place a voice issued in 1793 of memorable moment—a voice in support of the

ancient principles of the British monarchy—a voice which encouraged and enabled the ministers of that day to check the contagion of democratic and French principles then in **their ascendant**. I call on you to remember the motto under which you are **now assembled**, *Concordiâ parvæ res crescunt*: to bear in mind, **that by acting** on the advice which it involves, small as your influence in the public councils may now be, it is capable, by unity of purpose, by cordial concert, and good understanding, by common exertions directed to a common end, it is capable of vast expansion and increase. By your example you will rally around you a thousand hearts to fight in the same righteous cause. Proclaim to the country from this, the metropolis of commerce, that, entertaining principles of moderation in public affairs, you will still stand firm in defence of the ancient walls, and guard the ancient landmarks of the constitution—that you will rally round the monarchy and protect its just prerogatives—that you will defend the independent exercise of the authority of the House of Lords, and maintain firm and inviolable the rights of the Established Church,—that you will stand by, in the emphatic language of the most solemn acts of parliament, the Protestant Government and the Protestant religion of this country. Yes, elevate that voice in the cause of those principles—principles so moderate, so just, so necessary—and depend upon it, it will be re-echoed from every part of this country, and the pulsation of the heart of the great corporate community will vibrate through every artery of this mighty empire.

The delivery of this speech was followed by loud and long-protracted cheering.

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